

March 1848

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THE  
JOURNAL

10 of 10

## - COUNCIL OF CENSORS

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## MONTPELIER AND BURLINGTON.

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THE  
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## FIRST SESSION, AT MONTPELIER.

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SENATE CHAMBER,  
Wednesday, 7th June, 1848.

The Council of Censors, elected on the last Wednesday of March, in the year of our Lord 1848, met in the House Chamber, at Montpelier, on the first Wednesday, being the 7th day of June, 1848, at 2 o'clock P. M., when the following named members appeared, produced their credentials, and took their seats, to wit:

CHARLES K. WILLIAMS,  
WILLIAM HIBARD,  
JAMES BELL,  
IBA H. ALLEN,  
AUGUSTUS BURT,  
JOHN DEWEY,  
KEYES P. COOL,  
DAVID CRAWFORD,  
JOHN N. POWEROY,  
SAMMON P. DUTTON and  
HENRY P. JONES.

The Council was called to order by Mr. Burt, and Charles K. Williams was elected President pro tempore, and John N. Powerry, Secretary pro tempore.

On motion of Mr. Dewey,

*Moved*, That the Sergeant at Arms be requested to attend on the the Council by himself or deputy.

On motion of Mr. Burt,

*Moved*, That a Committee of Three be appointed by the Chair to draft rules for the government of the Council.

Mr. Powerry, Mr. Hibard and Mr. Dutton, were appointed on the Committee.

On motion of Mr. Bell,

*Resolved*, That the Council adopt the rules of the last Council of Censors until new rules are prepared and adopted.

On motion of Mr. Dewey,

*Resolved*, That a Committee of three be appointed to receive and report on the Constitution of members.

Mr. Dewey, Mr. Bell, and Mr. Hart were appointed.

On motion of Mr. Dewey,

*Resolved*, That the President resign from office of the village to stand on the Council or Chaplin, and that the ensuing session of the Council be opened by prayer.

The petition of G. E. Armstrong and others requesting the Council to inquire, among other things, into the expediency of amending the Constitution so as limit the amount of land hereafter to be acquired by purchase by any individual, and of setting forth debts, hereafter to be contracted, a family homestead, was received, read and laid on the table.

On motion, the Council adjourned.

TUESDAY, 8th June, 1858.

Prayer by Rev. Mr. Scott.

Journal of yesterday read and approved.

On motion of Mr. Holland,

*Resolved* That the Council do now proceed to the election of President and Secretary.

Whereupon the ballots having been taken and counted,

CHARLES K. WILLIAMS

was found to be unanimously elected President, and

JOHN N. POMEROY

was, in like manner, elected Secretary of the Council.

Mr. Powers, from the Committee on Rules, submitted the following Report—which Report, on motion of Mr. Dewey, was laid on the table—

To the Council of Censors—

Your Committee, to whom was referred the duty of reporting Rules for the government of the Council, submit the following Report to wit—

I. The Council shall meet every day (Sunday excepted) at 9 o'clock A. M., and at 2 o'clock P. M., unless otherwise ordered.

II. The President shall take the Chair at the hour in which the Council

stands adjourned, and call the Council to order for the prosecution of business.

III. All Committees shall be appointed by the President, but such appointments may, on motion of a member, be examined by the Council and the majority voted by the Council on nomination of a member, or other members may be called to try Committee by vote of the Council.

IV. No member shall absent himself from the services of the Council unless he shall have leave.

V. The passed days may be taken and entered upon the Journals, upon the fall of a member.

VI. The following standing Committees shall be appointed, to wit:—

1st. A Committee of three to enquire whether the Constitution has been preserved inviolate during the last session; which shall be called the Committee on the Powers of the Constitution.

2d. A Committee of three to enquire whether the legislative branch of the government have performed their duty as guardians of the People, or exalted to themselves, or assumed other or greater power than they are entitled to by the Constitution, and whether the laws generally have been duly executed; which shall be called the Legislative Committee.

3d. A Committee of three to enquire whether the Executive has assumed other or greater power than the Constitution allows; which shall be called the Executive Committee.

4th. A Committee of three, who shall enquire whether the public funds have been justly kept and collected, and in what manner the public money has been dispensed of; which shall be called the Committee on Taxes and Expenditure.

VII. All motions shall, on report of the President, be referred to standing.

VIII. A motion to adjourn shall be always in order.

IX. Motions on questions shall have precedence as follows:—

1st. To debate.

2d. To postpone to a day certain.

3d. To lie on the table.

4th. To amend.

5th. To amend.

Hopetfully submitted by

JOHN N. POMEROY,  
For Committee.

Senate Chamber, Feb. 1st, 1848.

Mr. Bell introduced the following resolution:

*Resolved*, That a Committee of three be appointed to inquire into the constitutionality and expediency of the law in relation to the Relaxed Fund;

Which was read, and, on motion, was left on the table.

Mr. Prentiss introduced the following resolution:

*Resolved*, That it is expedient to amend the Constitution of this State, so to increase to the people a more equal representation in the House of Representatives;

Which was read, and referred to a Committee of three members.

Mr. Dutton introduced the following resolution:

*Resolved*, That a Committee of three be appointed to inquire into the expediency of so amending the Constitution as to give the election of Assistant Judges of the County Courts, Sheriff, High Sheriff, and State's Attorneys, directly to the Peoples of their respective Counties, and the election of the Judges of the Probate Courts directly to the Peoples of their respective Probate Districts;

Which resolution was read and adopted.

Mr. Hildard introduced the following resolution:

*Resolved*, That a Committee of three be appointed to inquire and report upon the expediency of so amending the Constitution that, hereafter, all amendments to the Constitution shall be proposed by the Senate of the State of Vermont, and their adoption submitted directly to the Peoples of the State, to be by them adopted or rejected—under such regulations, and in such manner as shall be provided by law; and, in that case, to abolish the Council of Censors;

Which was read and adopted.

Mr. Drury introduced the following resolution:

*Resolved*, That it is expedient to alter the Constitution of this State, so to give the choice of the Clerks of Courts to the Peoples of their respective Counties, and so as to give the choice of Registers of Probate to the Peoples of the several Probate Districts—or to provide for the election of those officers in the same manner that other County and Probate officers are chosen;

Which was read, and referred to the Committee to be raised on the resolution of Mr. Dutton relative to the election of County Officers.

Mr. Bell moved the re-consideration of the resolution of Mr. Dutton, which motion was laid on the table.

The Report of the Committee on Rules was, on motion of Mr. Prentiss, taken up and after some discussion, adopted, and the Rules, as reported, adopted as the Rules of the Council.

On motion of Mr. Bell, the Council adjourned.

## ANNOUNCEMENT.

The Chair announced the appointment of the following Committees:—

On the resolution introduced by Mr. Pennington,

MR. POMEROY, MR. COOL and MR. ALLEN.

On the Powers of the Constitution,

MR. HEISARD, MR. CRAWFORD and MR. BURT.

On the Legislative Committee,

MR. DEWEY, MR. ALLEN and MR. DUTTON.

On the Executive Committee,

MR. EKLL, MR. CRAWFORD and MR. JANES.

On the Committee on Taxes and Expenditure,

MR. JANES, MR. BURT and MR. COOL.

On the resolution introduced by Mr. Heisard,

MR. DUTTON, MR. HEISARD and MR. POMEROY.

The Committee on Credentials of members reported, and the report was read and accepted.

The Council, on motion of Mr. Heisard, took up the motion to reconsider the resolution of Mr. Dutson, and the same was reconsidered, and was, on motion of Mr. Burt, amended, and, as amended, was adopted as follows:—

*Resolved*, That a Committee of three be appointed to enquire into the experience of, & into regarding the Committee as to give the election of Assistant Judges of the County Courts, Sheriff, High Sheriff, and District Attorneys, directly to the人民 of their respective Counties, and the election of Judges of the Probate Courts, directly to the人民 of their respective Probate Districts, and of Justices of the Peace to the人民 of the towns in which they reside.

A resolution was introduced by Mr. Heisard, which after amendment, was adopted as follows:—

*Resolved*, That the Committee on the Powers of the Constitution enquire into the expediency of so amending the Constitution as to dispense with the office of County Judge.

On motion of Mr. Crawford:

*Resolved*, That the Committee on the Powers of the Constitution enquire into the expediency of so amending the 8th Section of the second part of the Constitution, as to have the election, therein provided for, to the first Tuesday of September, annually.

The resolution of Mr. Heisard, laid on the table in the morning, was, on motion, taken up and adopted.

The memorial of G. R. Arlington and others, which was laid on the table, was on motion, taken up and referred to the President of the Council, to report at the next meeting of the Council.

On motion of Mr. Dutton:

Moved, That a Committee of three be appointed to enquire whether it is expedient so to amend the Constitution as to that the State Senators for a longer term than one year, and to provide for classifying and arranging the Senate in case the term of office should be extended.

On motion of Mr. Crawford:

Moved, That the Committee, raised on the resolution of Mr. Dutton relative to the election of Senators, be directed to enquire and report upon the expediency of so amending and extending of the 11th Article of the amendments of the Constitution, as to provide for an apportionment of the Senators to the several Counties, according to their population—regard being always had, in such apportionment, to the Counties having the greatest Inhabitants.

On motion of Mr. Dewey:

Moved, That the Legislative Committee enquire into the expediency after amending the Party-Third System of the Constitution of this State, as to provide for the election of fourteen members of the Council of Common Councils.

And also the expediency of amending the Constitution as to provide for the election, meetings and pay, of the said Council without the aid of any Legislative act.

On motion, the Council

Adjourned.

FRIDAY, 9th June, 1848.

Prayer by the Rev. Mr. Scott.

The journal of yesterday was read and approved.

The Chair announced the appointment of the following Committee:—

On the resolution of Mr. Dutton, as to the election of County officers:

MR. DUTTON, MR. DEWET and MR. BURT.

On the resolution of Mr. Bell, as to Federal Funds:

MR. BELL, MR. HERARD and MR. DEWEY.

On the resolution of Mr. Dutton, as to the term of Senators:

MR. CRAWFORD, MR. POMERoy and MR. JONES.

Mr. Pomery introduced the following resolution, which was read and adopted:—

Resolved, That the Legislation Committee be requested to examine the present Voting Laws of this State, and report whether, in their opinion, the same are not defective and uncertain, and do not require further legislation.

On motion of Mr. Bert,

Resolved, That a Committee of three members be raised to inquire into the expediency (should the Council see fit hereafter to call a Convention) of calling the Delegates to said Convention elected by the several Counties, according to their respective populations.

On motion of Mr. Bert,

Resolved, That when the Council adjourns, it adjourn to meet at the State House in Manchester, on the first Wednesday of October next, at six o'clock P. M.

Mr. Bell introduced the following resolution:

Resolved, That the Committee on the Powers of the Constitution inquire into the expediency of so amending the Constitution, that no one of the civil authority of towns be permitted to exercise the duties appertaining to his office, while he is licensed to traffic in intoxicating liquors.

Which was read and adopted.

On motion of Mr. Bert,

Resolved, That the Secretary procure one hundred copies of the Journal of the Council, at the present Session, to be printed for the use of its members.

On motion of Mr. Dewey,

Resolved, That the Secretary forward, by mail, one copy of the Journal of the present session of the Council to each of the publishers of a weekly or daily paper in the State, and five copies to each member of the Council.

Mr. Penney was, on motion of Mr. Davis, added to the Legislation Committee.

The President was, on motion of Mr. Bert, added to the Committee on the Powers of the Constitution.

The Chair announced the following Committee on the resolution of Mr. Bert, as to calling a Convention:

MR. BURT, MR. ALLEN and MR. COOL.

On motion,

Passed, That the Secretary be authorized to make up and certify the debets of the Council and contingent expenses.

The journal of this day was read, and on motion, approved.

On motion of Mr. Bell,

The President then declared the Council adjourned to the first Wednesday of October next.

Attest, JOHN N. POMEROY,  
Secretary.

## SECOND SESSION, AT MONTPELIER.

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Senate Chamber,  
Wednesday, 8th October, 1848.

The Council of Censors met agreeably to adjournment.  
Present,

AUGUSTUS BURT,  
DAVID CRAWFORD, and  
JOHN N. POMEROY.

Whereupon, there being no quorum, the Council adjourned to be reconvened Wednesday at 10 o'clock.

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Thursday, 9th October, 1848.

The Council met agreeably to adjournment.  
Present,

CHARLES K. WILLIAMS,  
AUGUSTUS BURT,  
WILLIAM IRKARD,  
JAMES BELL,  
DAVID CRAWFORD, and  
JOHN N. POMEROY.

Paper by the Hon. Mr. Low.

Perkins Brooks and Hiram Stowell appeared, produced their credentials and took their seats.

The Journal of yesterday was read and approved.  
On motion of Mr. Bell,

Motioned, That another member be added to the Committee on the subject of calling a Convention. Mr. Stowell was appointed.

On motion of Mr. Bell,

Motioned, That another member be added to the Committee on Legislation in the House Publ. Mr. Stowell was appointed.

The Council adjourned.

APPROVED.

On motion of Mr. Holand,

*Motioned*, That the Committee on the Powers of the Constitution be instructed to enquire into the expediency of so amending the 8th Section of part II of the Constitution of the State as to provide for the election of representatives on two days, in case the Friends shall fail to elect on the first Tuesday of September, under such regulations as shall be provided by Law.

On motion of Mr. Holand,

*Motioned*, That the President request some clergymen of this village to attend on the Council as Chaplains, during the present session, and that the meeting services be opened by prayer.

Mr. Bart, at his request, was excused from further service on the Committee on Town and Expenditures, and

Mr. Starr was appointed to fill the vacancy.

On motion of Mr. Holand,

*Motioned*, That the Sergeant at Arms be requested to attend by himself or deputy, on the present Session of the Council.

On motion of Mr. Starr,

*Motioned*, That a Committee of three, of whom the President shall be the Chairman, be appointed to consider and report to the Council whether it be expedient so to amend the Constitution of this State as to secure greater permanency to the office of Judge of the Superior Court.

On motion of Mr. Starr;

*Motioned*, That the Treasurer of the State be requested to furnish to this Council, in such as may be, a statement of balances due to the Treasury for taxes—thence designating the towns from which such balances are due, and the year in which they respectively accrued—and also, a statement of balances, if any are due, from the several Sheriff's, County Clerks, and State's Attorneys in the several Counties, and the years in which such balances accrued, and the names of such delinquent officers—and also, of any balances which may be due from any of the County Judges for Licenses, &c.

On motion of Mr. Bart,

*Motioned*, That the Committee on the Powers of the Constitution be directed to enquire whether the Act of the Legislature, passed 15th of November, 1847, entitled "An act relating to the election of County Senators," be authorized by the Constitution.

The Council adjourned.

PARIS, 6th October, 1848.

Prayer by the Rev. Mr. Mason.

Mr. Dower and Mr. Justice, members of the Council appeared and took their seats.

The Journal of yesterday was read and approved.

Mr. Bell and Mr. Storrell were appointed members of the Committee on the Resolution as to the permanency of the office of Judge of the Supreme Court.

The President made the following report on the petition of G. B. Arlington and others, referred to him at the last Session of the Council—

To the COUNCIL OF COMMONS now in Session:

The undersigned, to whom the petition of G. B. Arlington and others was referred, respectfully reports,

That he has carefully examined the petition, has heard the several arguments in support of the same, offered by one of the petitioners who had paid particular attention to the subject under examination, and who supported the views of the petitioners with many able and ingenious arguments, yet the undersigned is not convinced that any further action of the Council is, either law, required on the subject.

The prayer of the petition contains two objects.

1. A limitation of the amount of land hereafter to be acquired by any individual.

2. To exempt from liability for any future debts, so much of the same, as may be necessary for a family household.

As to the first proposition, it is not perceived that any serious inconvenience to this State arises from the present situation of our laws so far as respects any change or alteration of the fundamental laws. If there are evils or inconveniences existing from the disproportion between the sum of capital and labor, it is not from the want of capital in hand. And when we take into view the equal distribution of property which is usually made on the death of every individual, whether his estate consists of moveable or immoveable property, it is not apprehended that an ample sufficiency of wealth will ever be created, by the accumulation of land, in the hands of any one, or that there ever will be any serious difficulty to prevent the industrious and enterprising from acquiring a sufficient quantity of land either for agriculture, trade or manufacture.

Moreover, the object contemplated could not, in any event, be realized by a limitation of the quantity of land to be acquired, but must have regard to quality as well as quantity; a limitation which, if not impracticable, would be extremely unbecoming to be adopted, and provide no ad-

greater benefit for the great change which it would produce in the present relations in the social state.

As is the second object of the petition, viz.: the exemption of a family from liability for the debts of the owner, it is believed that the powers now appertaining to the Legislature, are fully adequate to accomplish the object, asked for by the petitioners, if it is considered expedient for them. It has been the policy of most-civilized nations for a long time to free landed property from all restrictions on the power of the owner to alienate, and to subject it to the payment of his debts. It is in the power of the Legislature to make such exemptions of property, whether real or personal, from attachment or execution, as the exigencies or the welfare of an owner require. Whether it is expedient to make any further exemptions, of what kind, and in what cases, is appropriately the province of the Legislature to determine; and they are fully competent to decide whether any further restrictions on the power of alienation or any further exemption of property from liability for the debts of the owner are necessary, or required for the public welfare.

The undersigned, therefore, reports that no further order is required on the petition, and asks to be discharged from the further consideration thereof.

CHARL. E. WILLIAMS,

Which was read, and

On motion of Mr. Starr,

The report was accepted and entered upon the Journal of the Council.

Mr. Hibbard, from the Committee on powers of the Constitution, reported on the resolution as to suspending with the office of County Judges ad interim to any further action upon the subject, which Report was read and accepted.

Mr. Pennington introduced the following resolution:

*Resolved*, That the following additional rule be adopted for the government of the Council, to wit: The vote of the body accepting a report shall not be considered as the adoption and final disposition of the same; but the same may be called up for action of this body at any time.

Which Resolution was, on motion of Mr. Hibbard, laid upon the table, and made the order of the day for to-morrow morning.

Mr. Cowardin, on his request, had leave of absence for to-morrow.

The Council adjourned.

## Arrangements.

Mr. Allen, a member of the Council, appeared and took his seat.  
On motion of Mr. Penney,

Resolved, That another member be added to the Committee passed on the resolution of Mr. Linton, as to the term of Sessions.

The Council adjourned.

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Saturday, 18 October, 1848.

Prayer by Rev. Mr. Lord.

The Journal of yesterday was read and approved.

Mr. Clark, a member of this Council, appeared and took his seat.

Mr. Hibbard, from the Committee on the Powers of the Constitution, to whom was referred the resolution directing them to enquire whether the act of the Legislature, passed 22d November, 1847, relating to the election of Senators, be authorized by the Constitution, made a report, accompanied by the following resolution—

Resolved, That the Act of the Legislature, passed 22d November, 1847, entitled "An Act relating to the election of County Senators," is authorized by the Constitution of the State, and we recommend to the Legislature the repeal of the same.

Resolved, That the President of this Council cause to be transmitted to the proper officer of the Senate and House of Representatives copies of the foregoing report and resolution.

Which report and resolutions were accepted, and, on motion of Mr. Bert, laid on the table.

The Council, on motion, took up the order of the day, being the resolution of Mr. Penney, recommending the adoption of the following additional rule—

"The vote of this body, accepting a report, shall not be considered as the adoption and final disposition of the same; but the same may be called up for the action of this body at any time."

And on the question of the adoption of the rule, the yeas and nays were demanded by Mr. Jones, and were as follows:—

Yea—Hibbard, Allen, Bell, Bert, Clark, Dewey, Elford, and Penney.—(7.)

Nay—Brown, Jones, Starr, Stowell, and Williams.—(4.)

So the resolution was passed and the rule adopted.

The Report of Mr. Hibbard as to the act relating to the election of County Senators was, on motion, taken up and the resolution accompanying the same was, on motion of Mr. Dewey, laid on the table, and made the order of the day for Monday evening.

The report of the President of the Council, on the petition of G. R. Armstrong and others, was, on motion, taken up, and after consideration it was adopted and the petitioners had leave to withdraw their petition.

The report of Mr. Blyden, made and accepted yesterday, as to suspending with the other of County Judges, and salaries thereof, was taken up, and on motion of Mr. Bell adopted, and the committee discharged from the further consideration of the subject.

Mr. Bell offered the following resolution:

*Resolved*, That the Committee on the Powers of the Constitution inquire whether the Constitution does not require an amendment in regard to the Treasurer of the State, and the Sheriff of the several Counties giving them respective salaries.

Which was read and adopted.

The following resolution was offered by Mr. Storrell:

*Resolved*, That the Committee on the Powers of the Constitution inquire into the expediency of amending the Constitution, so to elect the Governor, Lieutenant Governor, and Treasurer of the State, by a plurality of the votes of the people.

Which resolution was read and adopted.

Mr. Powers, from the Legislative Committee, made the following report on the subject of the laws relative to the Grand Jury, "that they are of opinion that there is an necessity as to the laws upon which the several Town, County and State juries are to be had, and also an necessity as to the time of the meeting of the County Committees of Jurors and that this subject requires further legislation," accompanied by the following resolution —

*Resolved*, That the President of the Council communicate to the Senate and House of Representatives a copy of said report.

Which report was accepted, and the report and resolution were, on motion, laid upon the table, and made the order of the day for Monday morning.

On motion of Mr. Storrell:

*Resolved*, That when the Council adjourn, they adjourn to Monday morning.

The Sergeant-at-Arms was, on motion, charged with the duty of preparing the Court Room for the use of the Council after Tuesday next.

Mr. Starr introduced the following resolution:

*Resolved*, That in the judgment of the Council, the repeal, alteration, or modification of all, or parts of acts of the Legislature, by a mere reference to the number of the chapter and the section of the revised Statutes, without any mention of the subject or nature of the previous act to be

repeated above, or modified, introduces confusion into our law, and greatly increases the difficulty of understanding the law.

Which resolution was, on motion of Mr. Hibard, laid upon the table.  
The Council adjourned.

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Mosman, 26 October, 1868.

Prayer by the Rev. Mr. Munro.

The Journal of Saturday was read and approved.

Mr. Berres, a member of this Council, appeared and took his seat.

The order of the day being the report of the Legislative Committee on the resolution of Mr. Powery as to the constitutionality of the laws relative to the Game Law, it was, on motion, taken up and, after discussion, on motion of Mr. Hart, was laid on the table, and made the order of the day for to-morrow morning.

The following resolution was introduced by Mr. Blair:

*Resolved*, That the Committee on Trade and Expenditure be directed to inquire whether by the present existing laws of the State its usual and unusual burden is not imposed on the owners of wild lands in this State, and whether it be expedient to recommend to the Legislature so to modify those laws as to exempt from taxation wild lands under the appraised value of \$10 per acre, as calculated by the Surveyor, except in the case of taxes for making and repairing roads and bridges imposed by special acts of the Legislature.

And said resolution was, on motion, adopted.

Mr. Dutton was appointed by the Chair as a member of the Committee on the subject of the tax of County Surveyors.

The Council adjourned.

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#### APPENDIX.

On motion of Mr. Blair, the vote adopting the report of Mr. Hibard, made on Saturday, relative to the constitutionality of the Act relating to County Surveyors, was re-considered and.

On motion of Mr. Blair, voted to re-consider said report, and that the resolution of Mr. Blair of Saturday be referred to the same Committee.

Mr. Powery, from the Committee on the resolution of Mr. Dutton of the 26th Inst., relating to the election of County officers, made a report. "that it is expedient so to amend the Constitution as to give the election of Assistant Judges of the County Court, Sheriff, High Sheriff, and State's Attorneys, severally to the trustees of their respective Coun-

time, and the election of Judges of Probate to the freemen of their respective Probate Districts, and Justices of the Peace to the freemen of the town in which they reside," which was, on motion, ordered to lie on the table.

Mr. Bent introduced the following resolution:

*Resolved*, That the Committee on the Powers of the Constitution inquire whether Justices of the Peace have exceeded their judicial proceedings as directed in Chap. 11, Sec. 41, of the Revised Statutes, and whether any action thereon be necessary and proper for the Council.

Which resolution was, on motion, adopted.

Mr. Howell introduced the following resolution:

*Resolved*, That the Committee on the Powers of the Constitution inquire as to the expediency of so amending the Constitution, that the Governor, Lieutenant-Governor, and Treasurer of the State, hold their respective offices until their successors are duly qualified.

Which resolution was, on motion, adopted.

The Council adjourned.

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TUESDAY, 16th October, 1848.

Prayer by the Rev. Mr. Lord.

The Journal of yesterday was read and approved.

On motion of Mr. Bent, it was voted that when the Council adjourn, this afternoon, they adjourn to meet in the Court House.

The President, from the Committee to whom was referred the resolution of Mr. Bent, as relative to the expediency of so amending the Constitution as to give more permanency to the office of Judge of the Superior Court, reported "that they do not deem it expedient at this time to recommend any alteration of the Constitution as to that respect."

Which report was accepted and ordered to lie upon the table.

The report of Mr. Dewey, from the Committee on the Resolution of Mr. Durfee, as to the election of County officers, was taken up and accepted; and, on motion of Mr. Dewey, was referred to the Committee of the Whole, and made the order of the day for this afternoon, at half past two o'clock.

The Council adjourned.

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APPROVED.

Mr. Dewey, from the Legislative Committee, to whom was referred the resolution as to the increase of the number of the Council of Censors and

providing for their election, meetings and pay, made report "that in the opinion of the Committee it is not expedient to make any amendment proposed by said resolution."

Which report was accepted and adopted.

The Council resolved itself into a Committee of the Whole, Mr. Hubbard in the Chair, on the report of the Committee on the resolution of Mr. Dutton, of the 8th June, as to the election of County officers; and, after discussion of the subject, the Committee were, reported progress, and last leave to sit again to-morrow morning, at half-past nine o'clock.

The Council adjourned.

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Wednesday, 11th October, 1844.

Prayer by the Rev. Mr. Murray.

The Journal of yesterday was read and approved.

The report of the President on the resolution of Mr. Ryan, as to the permanency of the Judiciary, was taken up, accepted, and, after discussion, was ordered to lie on the table.

The Council resolved itself into Committee of the Whole, Mr. Hubbard in the Chair, on the report of the Committee as to the election of County officers; and the Committee of the Whole, after having had said report under consideration, now, reported progress, and, on motion had leave to sit again at two o'clock, P. M.

The Council adjourned.

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AFTERNOON.

The Council in Committee of the Whole took into consideration the report which was before them in the forenoon; and, after discussion of the same, reported the same to the Council without amendment; and on the question of the adoption of the report of the Committee of the Whole, the yeas and nays were demanded by Mr. Bell, and were as follows:—

Yea—Murray, Bert, Cool, Dutton, Dwyer, Hubbard, Jones, Proctor and Sturzell.—(8)

Nay—Murray, Allen, Bell, Crawford, Star and Williams.—(3)

So the report was adopted.

Mr. Jones offered the following resolution:

Motioned, That a Committee of three be placed to report articles of amendment of the Organization agreeably to the report just adopted, determining the number of Justices of the Peace, and providing for the election of all the offices therein named by ballot.

Which resolution was, on motion of Mr. Hobson, amended, by striking out all after the word "Resolved," as follows—"that the report of the Committee on the subject of electing County officers by the Premises of the Council be referred to the same Committee with instructions to propose articles of amendment of the Constitution, agreeably to the terms of said report, thereon limiting the number of Justices, and providing for the election of all the officers therein named by ballot."

Which resolution, thus amended, was adopted, and

The Council adjourned.

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TUESDAY, 12th October, 1848.

Prayer by Rev. Mr. Lark.

The Journal of yesterday was read and approved.

Mr. Crawford introduced the following resolution:

Resolved, That the Committee on the Powers of the Constitution be directed to inquire as to the expediency of so amending the Constitution as to dispense with the requirement thereon, of returning the ballots of the Premises the Governor and Lieutenant-Governor, and Treasurer, to the General Assembly.

Which resolution was adopted.

The report of Mr. Fawcett, as to the expediency of the law relative to the Grand List, was taken up, and after discussion, was ordered to lie on the table.

The Council adjourned.

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#### APPENDIX.

Mr. Crawford, from the Committee on the term of Sessions, made a report "that the alteration contemplated in the Constitution, by and resolution, ought not to be made."

Which report was read and ordered to lie upon the table.

Mr. Duton, from the Committee on the resolution of Mr. Hobson, as to amending the Constitution, so that all amendments shall be proposed by the Senate, reported "that in the opinion of said Committee a proposition to amend the Constitution in the manner thereto proposed."

Which resolution was accepted and ordered to lie upon the table.

The Council adjourned.

Farnham, 11th October, 1844.

Prayer by the Rev. Mr. Weston.

The Journal of yesterday was read and approved.

The report of the President, from the Committee on the condition as to the permanency of the office of Judges of the Supreme Court, and ad-  
vise as to any change, was taken up and discussed: and, on the question  
as to the adoption of the report, the plus and minus being counted,  
voted—

Yea—Messrs. Allen, Bell, Crawford, Coal, Dotter, Richard, Jones,  
Preston, Sturwell, and Williams—(16)

Nay—Messrs. Bent, Dwyer, and Ross—(3)

So the report was adopted.

The Council adjourned.

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Afternoon.

Mr. Pomeroy introduced the following resolution:

Moved, That the Council close its present session on Wednesday next, and that, when they adjourn, they adjourn to meet in the House Chamber, in Manchester, on the last Wednesday of January next, at one o'clock, P. M.

Which resolution was ordered to lie on the table.

Mr. Jones, from the Committee on Taxes and Expenditure, to whom was referred the resolution of Mr. Shaw, as to the taxation of wild lands, made the following report:—

To the Council, or Committee now in Session:

Your Committee on Taxes and Expenditure, to whom was referred the resolution directing said Committee to enquire whether by the present taxing laws of the State, in respect and except burdens imposed on the owners of wild lands in this State—and whether it be expedient to recommend to the Legislature a modification of the same, as specified in said resolution, have had the same under consideration, and now re-  
spectfully submit the following report:—

The resolution directs the Committee to make enquiry in relation to two subjects:—

1st. Whether the present taxing laws impose unjust and unequal bur-  
dens on the owners of wild lands.

2d. The expediency of recommending to the Legislature a modification  
of said laws.

Whether the taxing wild lands be constitutional or not, is not, by said resolution, made a subject for enquiry—there is supposed to be no doubt

on that subject. But your Committee, it is believed, are unanimous in the opinion that hunting and consequently killing wild and wholly reproductive beasts—such as are unmarketable and not decreasing in numbers, but rather increasing, do not necessarily, depend on the owners, but are unequal when compared with improved and productive lands or property of increasing value. Neither have they any doubt but hunting, may, and probably has, in many cases, been done to owners of wild lands, especially non-residents, by an illegal approach and an encroachment which interferes with their real work. In those cases, however, the remedy is not to be sought by a modification of the laws, but in the appointment of competent and honest administrators.

Your Committee, on a careful consideration of the second matter of inquiry, have come to the conclusion that it is not expedient to make any recommendation to the Legislature on the subject. It is at least somewhat questionable whether it would come within the purview of our appropriate duties.

The Constitution has given the Council of Censors ample and extended powers, still they are circumscribed, and it would seem to demand great caution in those appointed as guardians and conservators of that instrument, that they do not themselves go beyond its boundaries, intrude upon the prerogatives of other departments of the government. They, therefore, report the accompanying resolution.

Motioned, That it be incorporated to make any recommendation to the Legislature as to the modification of the laws in relation to killing wild beasts.

H. P. JASOR,  
For Committee.

Which was read and ordered to lie on the table.

The report of Mr. Penney, from the Committee to whom was referred the subject of the uncertainty of the laws relative to the Grand List, was taken up and discussed; and on the question of its adoption, the yeas and nays being demanded, were as follows:—

Yea—Hovers, Allen, Cook, Dutton, Dwyer, Jones, Penney, Starr, and Saywell.—(8.)

Nay—Brown, Tarr, Crawford, Hibbard, and Williams.—(4.)

On the report well-adopted, and the resolution accompanying said report was ordered to lie open the table.

The report of Mr. Dutton, from the Legislative Committee to whom was referred the resolution of Mr. Hibbard, as to giving to the Senate the power of proposing amendments to the Constitution, and adverting thereto, was taken up and discussed; and, on the question of its adoption, the yeas and nays being demanded, were as follows:—

Yea—Moore, Allen, Bell, Bar, Cook, Dalton, Dewey, Jones, Pennington, Shaw, Stowell, and Williams.—(14.)

Nay—Moses, Crawford and Holand.—(2.)

So the report was adopted.

Mr. Crawford's report, on the resolution as to the term of County Sessions, was taken up, considered, and ordered to lie on the table.

The Council adjourned.

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BOSTON, 13th October, 1855.

Prayer by the Rev. Mr. Lord.

The Journal of yesterday was read and approved.

The stockbill accompanying the report of Mr. Pennington, making it the duty of the President to communicate the report and resolution to the Senate and House of Representatives, laid on the table yesterday afternoon, was called up for consideration; and after discussion, on the question of its adoption, the yeas and nays being demanded, were as follows:

Yea—Moore, Cook, Dewey, Pennington, Shaw, and Stowell.—(3.)

Nay—Moses, Allen, Bell, Bar, Crawford, Holand, Jones, and Williams.—(2.)

So the resolution was not adopted.

Mr. Dalton was at his request excused from voting.

The following report of the Treasurer of the State, on the application of the Council to him, as to amounts due to him, &c., was read and referred to the Committee on Taxes and Expenditures:—

To THE HON. COUNCIL OF COUNSEL now in session:

In compliance with a resolution of the Council of Councill, passed Oct. 5th, calling upon the Treasurer to furnish them with a statement of the balances due the Treasury for Taxes, thereon designating the towns from which such balances are due, and the year in which they respectively accrued, and also a statement of the balances, if any due, from the several Sheriffs, County Clerks, and State's Attorneys; in the several Cities, also from Judges of the County or Superior Court, &c., I have the honor to report—

That there are no balances due the Treasury for Taxes paid previous to 1855. I do not report the balances due on that Tax, as the amount will be reduced very much before the close of the present session of the Legislature,—estimates being affected by custom and law, to let their balances remain until the time aforementioned.

The balances due from Sheriffs, County Clerks, State's Attorneys, and

Judges of the County, for Lawmen add, &c., I am unable to report, as the accounts of these officers are not kept on the Books of the office.

GEORGE HOWES,  
Treasurer.

Treasurer's Office, Montpelier, Vt.  
1st October, 1842.

The report of Mr. Crawford, as to the extension of the term of Shumard, was taken up, discussed, and ordered to be upon the table.

Mr. Hobart introduced the following resolution, to which

Moved, That the Committee on the Powers of the Constitution be instructed to inquire whether, by the Constitution of the State, there is any provision by which any Officer of the Government can exercise the office of Governor, in case of a vacancy of both the Governor and Lieutenant Governor; and whether the time during which the Governor and Lieutenant Governor shall exercise the duties of their respective offices is sufficiently defined by the Constitution.

Which resolution was adopted.

Mr. Hobart, from the Committee raised on the resolution of Mr. Bell, as to the National Fund, reported, and the report was, on motion, referred back to said Committee.

Mr. Hobart, from the Committee on the Powers of the Constitution, to whom was referred the resolution of Mr. Bell, proposing an inquiry as to the expediency of so amending the Constitution as to prohibit the civil authority of towns from exercising their offices, and at the same time trifling in remunerating laymen, made report "that they did not deem it expedient to make the amendment proposed."

Which report was accepted and adopted.

Mr. Hobart, from the Committee on the Powers of the Constitution, to whom was referred the resolution of Mr. Howell, as to the expediency of so amending the Constitution as to elect the Governor, Lieutenant Governor, and Treasurer, by a plurality of votes, reported, "that in the opinion of said Committee it is not expedient to make the amendment proposed."

Which report was accepted and ordered to be on the table.

Mr. Hobart, from the Committee on the Powers of the Constitution, to whom was referred the resolutions of Messrs. Crawford and Hobart, as to "amending the 8th Section of the Second Part of the Constitution, so as to have the election thereto provided for the first Tuesday in September annually," and as to so amending the Constitution, "as to provide for the election of representatives on some future day, in case the People should so elect on the first Tuesday in September," made report that "it is not expedient so to amend the Constitution as to provide for the election of representatives on any day other than the first Tuesday of Sep-

"member," and recommended the following article as a substitute for the said 6th Article of the Second Part of the Constitution, to wit:—

"The House of Representatives of the Province of this State shall consist of persons most noted for wisdom and virtue, to be chosen by ballot of the人民 of every town in the State respectively on the first Tuesday of September annually forever, and no balloting for such representation shall be commenced after twelve o'clock at night of said first Thursday, but a majority of the人民 present may, by vote, dissolve the meeting of any time, notwithstanding the election of representatives shall be made."

Which report was accepted and ordered to lie upon the table.

The resolution of Mr. Powers, as to the time of adjournment, was taken up, and Mr. Bell proposed to amend the same, by inserting for "Wednesday evening next," "Thursday evening next."

Which resolution and amendment were ordered to lie upon the table.

The report of the Committee on Taxes and Expenditures, as to the taxation of wild lands, was called up and accepted, and ordered to lie upon the table.

The Council adjourned.

#### ANNOUNCEMENTS.

The report of Mr. Tracy, from the Committee on Taxes and Expenditures, as to the taxation of wild lands, was taken up and re-committed.

The report of Mr. Holland, from the Committee on the Powers of the Constitution, to whom was referred the subject of the amendment of the 6th Article of the Constitution, was taken up, discussed, and ordered to lie upon the table.

The report of Mr. Crawford, from the Select Committee, in whom was referred the subject of the amendment of the 6th Article of the Constitution, as to the apportionment of Senators, and recommending the following amendment as a substitute for said 6th Article, viz: "The Senate shall be composed of thirty Senators, to be of the Province of the County for which they are elected respectively, who shall have attained the age of thirty years, and to be annually elected by the人民 of each County respectively. The Senators shall be apportioned to the several Counties according to the population, as ascertained by the census taken under the authority of Congress, A. D. 1840, regard being always had to their apportionment to the Counties having the largest fraction, and giving to each County one Senator at least. The legisla-

ture shall make a new apportionment of the Senators to the several Committees after the taking of each census of the United States, or after a dissolution for the purpose of such apportionment by order of the Government of this State, always regarding the above provisions of this article."

Which was read, adopted, and ordered to be laid open the table.

The report of Mr. Holcomb, from the Committee on the Powers of the Constitution, as to the election of Governor, Lieutenant Governor, and Treasurer, by plurality of votes, and otherwise therein, was taken up, and, on motion, accepted and adopted.

Mr. Holcomb, from the Committee to whom was referred the subject of the School Fund, made report, "that the law of this State abolishing the School Fund is unconstitutional, but the expediency of the law for your Committee down to be the appropriate inquiry of the Legislators, and therefore refrain from expressing any opinion upon that branch of the inquiry."

Which report was accepted and adopted.

Mr. Postonroy, from the Committee, to whom was referred a resolution by him introduced as to the equalization of representation in the House of Representatives, made a report, accompanied with the following resolutions:—

*Resolved*, That the representation in the House of Representatives is unequal and anti-republican.

*Resolved*, That the representation in the House of Representatives ought to be equalized.

*Resolved*, That for this purpose a Committee of \_\_\_\_\_ members of this Council be charged with the duty of considering and reporting to this Council the best mode of equalizing the representation in the House of Representatives, and report at this, or our next session, an article or articles of amendment of the Constitution for the purpose of carrying into effect that object.

Which report was accepted, laid open the table, and made the order of the day for Tuesday morning next.

The Council adjourned.

MONDAY, 10th, October, 1848.

Prayer by the Rev. Mr. Lord.

The Journal of Saturday was read and approved.

The resolution of Mr. Postonroy, as to the advancement, was taken up and amended; and so amended adopted, as follows:—

Resolved, That the Council close their present session on Thursday evening next, and, when they adjourn at that time, they adjourn to meet at the Senate Chamber, in Montpelier, on the 10th day of February next, at two o'clock, P. M.

The report of Mr. Crawford, as to the term of Sessions and adju-

ncts to any change therein, was taken up, and on the question of its adoption, the yeas and nays, being demanded, were as follows:—

Yea—Messrs. Jones, Crawford, Hubbard, Sturz, Stowell and Williams.—(3.)

Nay—Messrs. Allen, Bell, Burt, Cool, Dutson, Dewey and Penney.—(7.)

As the report was not adopted, and Mr. Dewey submitted the following proposition, to wit:—That the report be referred back with instructions to report articles of amendment to the Constitution providing for the election of Senators to serve three years, and for such arrangement of the Senatorial term of service as that the seats of one class of the Senators become vacant each year,

Which proposition was laid upon the table.

The report of Mr. Crawford, (p. 27) on the subject of the apportionment of Senators, was called up, discussed and adopted.

The report of Mr. Hubbard, amending the 8th Article of the amendments of the Constitution, as to limiting the annual election to the first Tuesday in September, was taken up, and, with a proposition to amend it, laid on the table, and

The Council adjourned.

#### Afternoon.

The report of Mr. Hubbard was again considered, and the motion to re-adopt the same was rejected.

Mr. Penney proposed the following amendment for the whole article reported in the report as an amendment to said 8th Section:—"No balloting for Representative shall be commenced after twelve o'clock at night of the first Tuesday of September."

And on the adoption of the same, the yeas and nays were demanded and were as follows:—

Yea—Messrs. Allen, Cool, Dutson, Penney, and Stowell.—(5.)

Nay—Messrs. Bell, Burt, Crawford, Dewey, Hubbard, Jones, Sturz and Williams.—(6.)

So the amendment was rejected.

Mr. Jones proposed to amend the article reported by inserting, after the word "law," the words "after the third ballot."

Which amendment was rejected.

Mr. Richard proposed the following amendment to the article reported by adding thereto the words—"provided that no motion to dissolve the meeting shall be introduced by the presiding officer while the business is going on, nor until after the result has been ascertained and declared."

Which amendment was rejected.

Mr. Bent moved to strike out from the article all after the words "after twelve o'clock at night of said first Tuesday."

And the yea and nays being demanded were as follows—

Yea—Mason, Allen, Bent, Cox, Union, Postonay and Sturz  
—(3)

Nay—Moore, Bell, Crawford, Derry, Richard, Jones, Starr and Williams—(7.)

So the amendment was lost, and

The Council adjourned.

TUESDAY, 12th October, 1872.

Prayer by the Rev. Mr. Lord.

The Journal of yesterday was read and approved.

Mr. Sturz introduced the following resolution:

Resolved, That a Committee of three Members of the Council be appointed by the President to look up the debts due of the present session.

Which was adopted.

The report of Mr. Crawford, as to the expenses of the term of Sessions not taken up and re-ascertained, and the Committee enlarged by the addition of another member. Mr. Derry was appointed a member of said Committee.

The report of Mr. Postonay, from the Committee on a resolution by him proposed, as to the equality of representation, being the order of the day, was taken up; and on a motion of Mr. Jones to dismiss the same a division ensued, which resulted with

The Council adjourned.

ARMSTRONG.

Mrs. Sturz, Allen, and Crawford were appointed the Committee of Debts due.

The following resolution was introduced by Mr. Postonay and adopted:

**Resolved**, That a Committee of three members of the Council be appointed to be denominatd the Committee of Revision and Engraving, whose duty it shall be to review and re-draft any article or articles of amendment which may be presented prior to the final adoption and publication of such article or articles.

Which resolution was, on motion, adopted, and the President elected Chairman of said Committee.

The report of Mr. Hibard, from the Committee on the Powers of the Constitution, up to the act of the Legislature passed November 18th, 1847, arrived. "An Act relating to the election of County Senators," accompanied by the following resolutions, to wit:—

**Resolved**, That the Act of the Legislature passed 18th November, 1847, entitled "An Act relating to the election of County Senators," be disallowed by the Committee of the State, and we recommend to the Legislature that the same be repealed.

**Motioned**, That the President of the Council cause to be transmitted to the presiding officers of the Senate and House of representatives copies of the foregoing report, and resolutions, which have been communicated with the resolution of Mr. Storer as to improper legislation.

Was presented and accepted, and the report and resolutions, without amendment, adopted.

The report of Mr. Penney, which was under discussion at the last adjournment, was taken up and further discussed, and the motion to dismiss withdrawn, and the report and resolutions were, on motion, re-committed.

The Council adjourned.

Wednesday, 24th October, 1848.

Report by the Rev. Mr. Butler.

The Journal of yesterday was read and approved.

The President announced the appointment of Messrs. Hibard and Jones as members of the Committee on Revision and Engraving.

On motion of Mr. Bart, the resolution as to adjournment was reconsidered, and it was proposed to amend the resolution by inserting "the Court House at Burlington," in the place of "Senate Chamber at Montpelier."

And on the question being taken, the yeas and nays being demanded, were as follows:—

**Yea**—Messrs. Allen, Bell, Bart, Coal, Starr, Howell, and Wilkins.—(7.)

**Nay**—Messrs. Crawford, Davis, Drury, Hibard, Jones and Penney.—(4.)

So the amendment was made, and the resolution adopted as follows:—

*Motion.* That this Council close its present session on Thursday evening next, and that, when they adjourn at that time, they adjourn to meet at the Great House in Burlington, on the 15th day of February next, at two o'clock, P. M.

The report of Mr. Hobart, from the Committee on the Powers of the Corporation, (p 27) on the subject of the 8th Section of the Second Part of the Charter was taken up; and on motion of Mr. Dorr the Council re-considered the vote referring to strike out all after "twelve o'clock at night of and first Tuesday" in the article of amendment proposed, by yeas and nays.—

Yea—Mason, Allen, Bell, Burt, Crawford, Cool, Dutton, Penney and Storrell.—(8.)

Nay—Moore, Dewey, Hobart, Jones, Starr and Williams.—(3.)

The question then recurring on the motion to strike out, Mr. Hobart moved to re-consider the report.

Mr. Bell moved to dismiss the report; and, on the question of disposal of the report, the yeas and nays being demanded, were as follows:—

Yea—Mr. Bell.

Nay—Moore, Allen, Burt, Crawford, Cool, Dutton, Dewey, Hobart, Jones, Penney, Starr, Storrell and Williams.—(11.)

So the motion to dismiss did not prevail.

Mr. Hobart withdrew the motion to re-consider; and the question concerning upon the adoption of the motion to amend by striking out, the yeas and nays, being demanded, were as follows:—

Yea—Moore, Allen, Burt, Cool, Dutton, Penney, and Storrell.—(8.)

Nay—Mason, Bell, Crawford, Dewey, Hobart, Jones, Starr and Williams.—(2.)

So the motion did not prevail.

Mr. Starr moved to re-consider the vote rejecting the amendment proposed by Mr. Jones, by inserting after the word "time" the words "after a third ballot"; and on this motion, the yeas and nays being demanded, were as follows:—

Yea—Moore, Allen, Burt, Crawford, Cool, Dewey, Hobart, Jones, Starr and Williams.—(8.)

Nay—Mason, Bell, Dutton, Penney and Storrell.—(4.)

So the vote was re-considered; and on the question of the adoption of the amendment, the yeas and nays being demanded, were as follows:—

Yea—Moore, Allen, Bent, Crawford, Cool, Dewey, Hibbard, Jones, Starr and Williams—(9.)  
Nay—Moore, Bell, Dutson, Pomroy and Storrell.—(4.)

On motion of Mr. Hibbard, the Council re-considered the vote rejecting his amendment, "providing that no reason to dissolve the meeting shall be entertained by the presiding officer, while the balloting is going on, nor until after the result has been ascertained," by yeas and nays as follows:—

Yea—Moore, Allen, Bell, Bent, Crawford, Cool, Dewey, Hibbard, Jones and Williams.—(8.)

Nay—Moore, Dutson, Pomroy, Starr and Storrell.—(4.)  
The Council adjourned.

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#### AFTERNOON.

The report of Mr. Hibbard, as amended and laid on the table on the adjournment, was taken up, and Mr. Bent offered the following as a substitute for the report and article proposed, and as an amendment to the 8th Article of the Second Part of the Constitution, "Provided that after the annual balloting for Representatives without an election by a majority the persons who may receive the greatest number of votes shall be elected."

Which was rejected by yeas and nays:—

Yea—Moore, Bell, Bent, Cool, Pomroy Storrell.—(5.)

Nay—Moore, Allen, Crawford, Dutson, Dewey, Hibbard, Jones, Starr, and Williams.—(8.)

Mr. Crawford introduced the following resolution as a substitute for the report of Mr. Hibbard:—

Moved, That the Constitution be amended by substituting for the 8th Article of the Second Part of the Constitution the following—"The House of Representatives of the People of this State shall consist of persons most noted for wisdom and virtue, to be chosen by ballot by the Freemen of every town in this State, respectively, on the first Tuesday of September annually forever: Provided in balloting for Representatives shall be commenced after twelve o'clock at night of and first Tuesday of September."

Which resolution was adopted by yeas and nays, after rejecting an amendment proposed by Mr. Hibbard, limiting the balloting to the interval between one o'clock in the morning and nine o'clock in the evening:—

Yea—Moore, Allen, Bent, Crawford, Cool, Dutson, Dewey, Hibbard, Jones, Pomroy, Starr, Storrell and Williams.—(10.)

Nay—Mr. Bell.

Mr. JONES offered the following resolution—

*Motioned, That the Audit of Accounts be requested to furnish the Council with a statement of the balances due, if any, from the several Shire, County Clerks and District Attorneys, in the several Counties of the State.*

Which was adopted.

Mr. JONES, from the Committee on Taxes and Expenditure, to which was referred the report (pp. 83-4) made on another day to be fixed on wild lands, presented the report without amendment, and the same was adopted and laid on the table.

Mr. STURVILL, from the Committee on Debentures, reported as follows—

"Your Committee, appointed to make up the Debentures of the Council the present session respectively report, That they have performed the duties assigned them."

Which was accepted.

Mr. HOBSON introduced the following resolution :

*Motioned, That the Secretary be instructed to cause to be printed so much of the proceedings of this session as he shall judge expedient, and forwarded to such Members five copies.*

Which was adopted and the Council adjourned to tomorrow morning at half-past six o'clock.

THURSDAY, 20th October, 1849.

Prayer by the Rev. Mr. LORKE.

Reading of the Journal was dispensed with, and

The Council adjourned.

JOHN S. ROMERO, Secretary.

## THIRD SESSION, AT BURLINGTON—

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COURT HOUSE, BURLINGTON,  
Friday, 10th Feb., 1842, 11 o'clock, P. M.

The Council of Censors were present to adjournment.

Present,

CHARLES E. WILLIAMS,  
JAMES BELL,  
AUGUSTUS BURT,  
DAVID CRAWFORD,  
JOHN DEWET,  
PETER STAER, and  
JOHN N. POMEROY.

The Council was called to order by the President, and

On motion,

The Council adjourned.

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BURLINGTON, 11th Feb., 1842.

Prayer by the Rev. Dr. Parker.

The Journal of yesterday was read and approved.

Mr. Adams and Mr. Stowell, members of the Council, appeared and took their seats.

Mr. Dewey introduced the following resolution:

Resolved, That a Committee of three members be appointed to examine the Journals of the Council, and to report the unfinished business of the two past sessions.

Which was passed, and Mr. Stowell, Mr. Allen and Mr. Thorne were appointed said Committee.

On motion of Mr. Pomeroy,

Resolved, That the Sheriff of the County of Chittenden be requested to attend, by himself or deputy, on the sessions of the Council.

Mr. Dewey introduced the following resolution.

**Resolved,** That two-thirds of this Council requesting hereto, that it is expedient to call a Convention of delegates of the freemen of this State, to meet at the State House, in Montpelier, on the first Wednesday of January, A. D. 1850, for the purpose of taking into consideration such amendments to the Constitution as have been or may be proposed by this Council.

Which resolution, on motion of Mr. Starr, was laid on the table.  
On motion of Mr. Dewey,

**Resolved,** That a Committee of three members be appointed to draft and report an address to the people, of which Committee the President shall be chairman.

Mr. Dewey introduced the following resolution:

**Resolved,** That a standing Committee of three be appointed to take into consideration all motions referred to them in relation to the Judiciary, to be called the Judiciary Committee;

Which resolution, on motion of Mr. Penney, was laid on the table.  
On motion,

**Poised,** When the Council adjourns, it adjourns to meet at 4 o'clock, P. M.

The Council adjourned.

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#### ANNALS.

Mr. Stowell, from the Committee on unfinished business, made the following Report, which was read and accepted:

To the Hon. the Governor, or Councils now or formerly.

This Committee respectfully report, on the unfinished business of the Council,—

1st. The resolution offered by Mr. Penney in relation to so amending the Constitution as to secure a more equal representation of the people in the House of Representatives, [page 8, 1st session,] and the report thereon [page 29, 2d session] recommended [page 17, 3d session.]

2d. The resolution of Mr. Dutton, [page 8, 1st session,] in relation to the election of County and Probate officers. Amended [page 5, 1st session,] and the report of Mr. Dewey thereon [page 7, second session,] Adopted and recommended [page 21] with instructions.

3d. Resolution offered by Mr. Dewey, [page 4, 1st session,] in relation to the election of County Clerks and Registrars of Probate. Referred [page 8, 1st session,]

4th. The resolutions of Mr. Dutton [page 10] in relation to the election and term of Senators, and the report of Mr. Crawford thereon [page 27, second session,] and instructions of Mr. Dewey [page 21,] Recommended, [page 20.]

11th. The report of Mr. Crawford, [page 17, second session] upon the subject of the apportionment of Senators. Adopted [page 19.]

12th. The resolution offered by Mr. Hart, [page 11, first session] inquiring into the expediency, if the Council should call a Convocation, of having the delegates to said Convocation elected by the several counties according to their respective populations.

13th. The resolution offered by Mr. Crawford, [page 21, second session] in relation to an amendment of the 11th article of the 3rd part of the Charter, so to the effect of Representation.

14th. The report of Mr. James from the Committee on Taxes and Expenditure [page 31, second session.]

15th. The resolution of Mr. Hart, [page 18, second session] in relation to the power of the Treasurer of the State and the Sheriff giving their respective securities.

16th. The resolution of Mr. Star, [page 19, second session] in relation to the repeal, alteration or modification of Acts of the Legislature.

17th. The resolution of Mr. Hart in relation to the removal of Justices of the Peace [page 20, second session.]

18th. The resolution of Mr. Bowell, [page 20, second session] in relation to the Governor, Lieutenant Governor and Treasurer holding their offices until they are proven not qualified.

19th. The resolutions of Mr. Crawford, [page 21, annual session] in relation to removing the title of Governor, Lieutenant Governor and Treasurer to the General Assembly.

20th. The resolution of Mr. Bowell, [page 21, second session] in relation to the office of Governor, Lieutenant Governor and Treasurer.

21st. The resolution offered by Mr. Penney, [page 21, second session] for the appointment of a Committee of three to advise and re-draft the articles of amendment proposed by the Council of Convocation.

All which is respectfully submitted by

H. SPURFIELD, for Committee.

On motion of Mr. Bell,

Resolved, That the President request some clergymen of the village to attend to the Convocation at the place, the present session, and that the morning session of the Council be opened by prayer.

The proposition of Mr. Dwyer as to the basis of Revenue, which was laid upon the table on the 18th October last, was, on motion, taken up and referred to the Committee to whom was referred the report of Mr. Crawford on the same subject.

The report of Mr. Crawford on the subject of the apportionment of Senators [page 17, 2d session] was taken up and referred to the Committee of Revenue and Expenditure.

The resolution of Mr. Crawford, proposing an amendment to the 11th

article of the second part of the Constitution, adopted at the last session, (page 33,) was referred to the Committee of Revision and Agreement.

The Chair announced the appointment of Mr. Duray and Mr. Starr as members of the Committee to draft an address to the people.

The Council adjourned.

MARSH, 29th Feb., 1845.

Prayer by the Rev. Mr. Parker.

The Journal of Saturday was read and approved.

The Resolution of Mr. Duray, laid on the table on Saturday, relative to the calling of a Convention, was called up, referred to the Committee of the Whole, and made the order of the day for Tuesday next at 2 o'clock, P. M.

Mr. Remond, from the Committee on the subject of Municipal Representation, made the following Report:—

To the Council of Chambers:

Your Committee, to whom was referred the Resolution of Mr. Remond as to the Inequality of Representation in the House of Representatives, and to whom was also committed the Report of the same Committee at our last session, having had said matter under consideration, would respectfully report as follows:—

The whole number of towns in the State is two hundred and thirty-one—the whole number of inhabitants by the census of 1840, was 271,548—there being one representative to each town, to wit, 271. It appears that there is one representative to a tribe over each 1600 inhabitants. There are 101 towns having less than 1000 inhabitants—there are 42 towns with less than 500—there are 52 towns with less than 300—15 towns with less than 200, and four towns with less than 100 inhabitants.

A majority of the Representatives are elected by towns which, in the aggregate, have but a little more than one quarter of the population—that is 111 towns, with a population of only 57,000, elect 121 representatives, while 180 towns, with 214,548 inhabitants, elect, of course, but 150 representatives!

The County of Grand Isle, with a population of 3533, elects five representatives, (in my notion of its Senator,) while the town of Shaftsbury, with a population of 1232, elects but one representative!

The County of Essex is represented (in my notion of its Senator) by 23 representatives, with a population less than the whole, and a grand but a trifle more than half that of the town of Burlington, which has, of course, but one representative!

There are 51 towns having (of course) 24 representatives, and yet, with

a population and guard the work in the aggregate less than the town of Burlington with one representative?

Let us look at the ratio of representation in each County.

Burkeville Co.,	17	towns,	population 16,672, being a ratio of 1 to 982
Washington Co.,	82	"	33,472,
Winnipeg Co.,	52	"	40,326,
Roxbury Co.,	62	"	39,694,
Addison Co.,	32	"	37,261,
Orange Co.,	17	"	17,721,
Caledonia Co.,	15	"	22,377,
Washington Co.,	87	"	31,282,
Chittenden Co.,	17	"	39,504,
Franklin Co.,	14	"	36,611,
Orleans Co.,	19	"	21,616,
Lancaster Co.,	13	"	10,875,
Grand Isle Co.,	3	"	11,263,
Reno Co.,	13	"	4,262,

And let us compare the representation of some of the Counties in the Senate.

Grand Isle, with a population of 36,000, less than one-tenth of the population of Washington County, has one-fourth as much power in the Senate.

Lancaster, Grand Isle and Reno Counties, with less than one-half the population of Windsor County, have three-quarters of the representation of Windsor County, and the Counties of Grand Isle and Essex, with a  $\frac{1}{10}$ th of the population of the State, have a  $\frac{1}{10}$ th part of the representation in the Senate.

This comparison might be continued with similar results to a much greater extent.

With these facts and views before us, we could not otherwise conclude than that the system of representation in this State, and, particularly, in the House of Representatives, is unequal, and at variance with the principles of representative government;—it is anomalous—being based upon territory independent of population, like that of no other State in the Union. And when it is considered that this form of representation was adopted "in order that the Freeman of the State might enjoy the benefit of electing as equally as may be," we are disposed to place it with that other anomaly, the existence and protection of a system of slavery in a country whose government is based upon the declaration that "all men are born free and equal." We would not, by this remark, be understood as controverting the sincerity of the professed motives of Bloody Roger of the State of Nevada, but as showing how far the forces of despotism may control the operation of the more sacred principles. For in the peculiar condition of Vermont, with her handful of people, struggling for existence against the ravages of a triple enemy, and endeavoring by every means and influence to increase her located population—no sys-

not surprised that she, for the time being, with a simultaneous declaration of attachment to the principle of equal representation, and, according by the Constitution itself a ready mode of alteration and correction, should have adopted as the most convenient mode of representation, and one calculated to encourage the enlargement and organization of her towns, that of a representative to each, irrespective of population,—nor was we surprised that such a mode has been so quietly tolerated, when we reflect that the population of the several towns has hitherto been more nearly equal; the State has been almost exclusively agricultural, and all parts having, of course, very similar interests. But the times are changing, may, are changed; we are becoming a commercial and manufacturing people as well as agricultural; large towns are growing up with great and peculiar interests, which ought to be represented, and it is worse than vain to say that the people of the large towns should be content to have those new and important interests controlled by a system of representation so unequal. The principle is too plain to admit of an argument—but what shall be done? Shall the representation be placed upon a strict popular basis? We say, under the circumstances, No—whatever we might say were it a new question—but let the representation be so modified that while it shall not materially increase the number of representatives, it shall afford a reasonable relief to the large towns—or, at least, shall vindicate our respect for the great principle upon which is based the temple of civil liberty.

To accomplish this end, your Committee submit the following as a substitute for the 7th and 8th sections of the several part of the Constitution:—

The House of Representatives of the Freeman of the State shall consist of persons not rated for taxation and, prior to be chosen by ballot by the Freeman of the State on the first Tuesday of September, annually, forever, and the representatives shall be apportioned to and elected by the several towns, respectively, as follows: to each town having more than one hundred inhabitants and less than three thousand inhabitants, there shall be one representative;—to each town having three thousand and less than seven thousand inhabitants, there shall be two representatives;—to each town having seven thousand and less than twelve thousand inhabitants, there shall be three representatives;—to each town having twelve thousand and less than eighteen thousand inhabitants, there shall be four representatives;—to each town having eighteen thousand and less than twenty-five thousand inhabitants, there shall be five representatives;—and, to each town for every additional ten thousand inhabitants there shall be one representative;—and for each fifteen hundred of the fraction of the population of each County over and above the ratio of fifteen hundred inhabitants to one representative in said County, there shall be a representative chosen, at large, by

which towns in said County as have not less than one thousand and more than three thousand inhabitants.

The effect of the foregoing amendment, under the present census, would be to add to the House of Representatives, one representative from Elizabethtown, one from Newington, one from Woodstock, one from Middlebury, one from Burlington, and one from Montpelier; and to the representation from the County it would add no representatives at large, to wit: one from the County of Windham, elected by fifteen towns; one from the County of Orange, elected by thirteen towns, and one from the County of Franklin, elected by eleven towns,—making the whole addition to the present House of Representatives above,—from which, if we deduct the representation from the four towns having less than one hundred inhabitants, the number of the House will be increased, under the present census, by only seven members.

But what will be effect be under the coming census? If the increase of the population of the State for the current ten years be no greater than from 1830 to 1840, to wit: 18,871, which we think it fair to assume it will not be, considering the increasing inducements to emigration, the whole addition, under the proposed amendment, would be but fourteen members to the present House of Representatives—being seven for the additional eleven thousand inhabitants. Assuming the increase of population for the next fifty years to be at the rate of fifteen thousand each ten years, which amounts to 75,000; and assuming that only one-half this number will be effective in increasing the representation, (the other half being exhausted in towns and counties before the ratio of increased representation,) and we shall have but an addition of twenty-five representatives, which, with the fourteen added after the last census, will make but thirty-nine members as the whole number to be added to the House of Representatives at the census of the twentieth century,—making the average addition to the House for the next fifty years a fraction over sixteen members.

This Committee cannot suppose that it is contemplated by the Council, or by any body of men here, that the present system of representation is to be continued through all time, however varied the populations in the towns may become, and, therefore, they hope, or rather presume, that the foregoing or a similar article of amendment will meet the approbation of the Council. It is moderate, it is conservative in respecting any amendment on this subject, and it is in behalf of popular rights. That part of the article which provides relief to those towns having 1000 inhabitants and less than 3,000, your Committee consider to be, though somewhat popular, yet when understood, quite simple, affecting a cheap and direct rule, and a form of representation the more valuable because it is popular, and does not (so to speak) fall into the track of any

other representation; and, as such, may be a materially conservative element in high party times.

All which is respectfully submitted by

JOHN N. POMEROY,

*For Committee.*

10th Feb., 1860.

Which Report was read and accepted.

And on the motion of Mr. Hart to print one hundred copies of the Report, the fees and expenses being demanded, were as follows:—

Yea—Messrs. Stowell, Coal, Bell, Hart, Williams.—A.

Nay—Messrs. Hart, Dewey, Allen, Crawford.—A.

So the motion to print was carried.

Mr. Pomeroy did not vote.

On motion of Mr. Stowell, the Report was referred to the Committee of the Whole, and made the order of the day for Wednesday evening.

Mr. Pomeroy called up the Resolution of Mr. Dewey as to the appointment of a Judiciary Committee, which, after discussion, was adopted by

Yea—Messrs. Hart, Bell, Dewey, Crawford, Hart, Williams.—A.

Nay—Messrs. Stowell, Coal, Allen, Pomeroy.—A.

On motion of Mr. Dewey,

Resolved, That the Judiciary Committee be instructed to make inquiry and report as to the expediency of so altering the Constitution as to give the election of Judges and Chancellors to the people.

The Council adjourned.

#### APPENDIX.

Mr. Howard, a member of the Council, appeared and took his seat.

The Chair concurred the appointment of Mr. Hart, Mr. Bell and Mr. Bell to the Judiciary Committee.

Mr. Dewey from Committee on the Subject of the Term and Classification of Sessions, made the following report:—

To the Hon. the Council or Councils now in session:

Your Committee in whom was co-committed the resolution of Mr. Dewey as to extending the term of session of Sessions, and the report of Mr. Crawford Sessions, and to whom was referred the proposition of Mr. Dewey instructing the Committee in relation thereto, would respectfully report:—

That they have had those matters under consideration, and report the following article and recommend that it be proposed as an amendment to the Constitution, viz:—

At the first session of the Senate held after September 1<sup>st</sup> A. D. 1860, the Senators shall by their own body, by lot or draft, in so far as the same

may be necessary between Senators from the same County, be divided into three classes, as follows:

Two of the Senators from Windham County, one Senator from each of the Counties of Windham, Rutland, Orange, Franklin, Bennington, Chittenden, Washington and Essex, shall constitute the first class.

One of the Senators from each of the Counties of Windham, Windham, Rutland, Orange, Franklin, Bennington, Addison, Washington, Caledonia and Orleans shall constitute the second class.

One of the Senators from each of the Counties of Windham, Windham, Rutland, Orange, Franklin, Addison, Chittenden, Caledonia, Lamoille and Grand Isle, shall constitute the third class—and division into classes to be entered on the journals of the Senate, with the names of the Senators assigned to their respective classes, and the seats of the first class shall be vacated at the expiration of their first year's service—those of the second class at the expiration of the second year—and those of the third class at the expiration of the third year, and the election of Senators thereafter by the Province shall be by three years, or for any unexpired term if a vacancy should occur.

All which is respectfully submitted,

JOHN DEWETT,

For Committee.

Which report was accepted and laid upon the table.

The Council adjourned.

TUESDAY, 28th February 1848.

Prayer by the Rev. Mr. Bush.

The Journal of yesterday was read and approved.

Mr. Bush, Vice-Chairman on the Treasury, made the following report:

"The Committee to whom was referred the resolution of Mr. Dewett, in regard to the election of Judges and Clerks, would report that they deem it inexpedient to alter the method of electing the same."

Which report was read, accepted and laid upon the table.

The Secretary presented and read the following circular from Ivory Lane, to wit:

To The Hon. Council of Culture now in session:

Yours petitioners, Ivory Lane, in the town of Mansfield, in the State of Vermont, respectfully inform, that the Legislature of the State of Vermont, at their session in 1848, passed an act entitled "An Act to amend Mansfield to Town," in and by which act the town of Mansfield is annex-

ed to and has become a part of the town of Storni in the County of Lamezia. That your petitioner has been an inhabitant, and proprietor of land in the town of Massafid since the year 1808, and is of the opinion that the Legislature has no power to blot out a town that has been legally chartered and organized by separating it to another. And your petitioner further represents and shows that the town of Massafid was legally incorporated and organized, and your petitioner further prays that your honorable body will examine as to the constitutionality of said law, uniting Massafid to Storni, and repeal thereof; and your petitioner will ever pray,

EVERY HOUR.

February 1866, 1866.

Which report was, on motion, referred to the Committee on the Powers of the Constitution.

Mr. Hobart from the Committee on the Powers of the Constitution "to whom was referred a resolution directing them to enquire whether Justices of the Peace have recorded their judicial proceedings as directed by law," made report, that in their judgment the subject matter of the resolution appropriately belongs to the doings of the Judiciary Committee, and they therefore ask leave to be discharged from the further consideration of the subject, and that the same be referred to the last named Committee.

Which report was accepted, the Committee discharged, and the subject was referred to the Judiciary Committee.

Mr. Hobart, from the Committee on the Powers of the Constitution, to whom was referred the resolution of Mr. Crawford as to the expediency of so altering the 10th Section of the Constitution as to dispense with the requirement therein of returning the ballot of the Freeholders for Governor, Lieutenant Governor, and Treasurer, to the General Assembly, made report, that for the reasons therein stated, "it is not expedient to make the proposed alteration."

Which report was read, and accepted, and, on motion, adopted by the Council.

Mr. Hobart from the same Committee, made the following report—  
To the Council of Cavour now as follows:

The Committee on the Powers of the Constitution, to whom was referred a resolution in relation to the present mode which the Legislature have adopted of referring to chapter and section of the acts which they alter or amend, without naming the subject matter of such alteration or amendment, respectively report—

That they are fully impressed with the magnitude of the evil referred to, and of the importance of having it corrected. But the Committee do

not consider that this Council has any power or control over the actions of the Legislature in this respect.

The mode of referring to, or designating the particular alterations or amendments of the laws by the Legislature, is with those matters of last judgment, and there are none which the concerned councils which the Council has the power to know.

The Committee, therefore, recommend that the subject matter of this exception be brought to the notice of the Friends of this State, through the媒介 of the Committee who are appointed to speak in address, and hope it for the Friends to take such measures to correct the evil, as they may deem proper.

All of which is respectfully submitted, by—

WM. TOWNSEND,  
For Committee.

Which report was read and accepted, and on motion, adopted by the Council.

The Council adjourned.

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#### ANNOUNCEMENT.

The Council resolved itself into a Committee of the Whole on the resolution of Mr. Dewey relating to the calling of a Convention, Mr. Cowdile in the Chair, and the Committee, after consideration of the subject, now, reported progress, and had been to adjourn on Wednesday afternoon at 8 o'clock.

The Council adjourned.

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Wednesday, 21st February, 1842.

Moved by the Hon. Mr. Garrison.

The Journal of yesterday was read and approved.

The Council resolved itself into Committee of the Whole, Mr. Starr in the Chair, on the report of Mr. Powers to the antiquity of representation.

The Committee, after consideration of the subject, now, reported progress, and had been to adjourn at half-past six this evening.

The Council adjourned.

## ARMED.

Mr. Burr, from the Committee on the Judiciary, in whose name referred the subject of neglect of Justice of the Peace to make records of their proceedings, made the following report:—

To the COUNCIL OF COUNSEL 22<sup>nd</sup> MARCH:

Your Committee would report, that in many instances, known to your Committee, Justices of the Peace have not complied with the requirements of the Statute, in keeping a book of records of their judicial proceedings.

When we reflect on the extent of the jurisdiction of Justices of the Peace, the amount of property involved, the risk of loss often at stake, and in criminal proceedings, the liberty of the accused often in property, we deem it of the utmost importance that Justices of the Peace should, in all and every instance, comply with the requirements of the Statute in keeping a book of records of their judicial proceedings, in due and legal form. But to what extent this discretion of duty has extended, your Committee are not informed, and as it would be impossible, during the existence of the Council to make a full examination into the subject, they wish to be discharged from its further consideration.

All of which is respectfully submitted, by

AUGUSTUS BURR,

For Committee.

Which report was read, accepted and adopted, and the Committee discharged from the further consideration of the subject.

The Council in Committee of the Whole, Mr. Crawford in the Chair, resumed the consideration of the resolution as to calling a Committee, and after considering the same, now reported progress, and had leave to sit again at 7 o'clock this evening.

On motion,

Resolved, That when the Council adjourn, they adjourn to meet at half-past six the evening.

The Council adjourned.

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## KNIGHT.

The Council in Committee of the Whole, took up the report of Mr. Pennington on the subject of unequal representation, Mr. Burr in the Chair, and after considering and discussing the subject, the Committee now reported progress, and had leave to sit again at 8 o'clock P. M. however.

The Council in Committee of the Whole, Mr. Crawford in the Chair,

took up the resolution of Mr. Dewey as to the calling of a Convention, and after considering the same, now and recommended the adoption of the same with the following amendment: "provided that the Convention be called on the same principles as former similar Conventions have been called."

The Council adjourned.

TUESDAY, 2nd February, 1842.

Prayer by the Rev. Mr. Smith.

The Journal of yesterday was read and approved.

The proposition of committee before the Council on its adjournment last evening, was taken up and the amendment adopted, and the motion as amended laid upon the table.

A communication from the Auditor of Accounts was presented and read, and on motion, referred to the Committee on Taxes and Expenditure.

Mr. Dewey introduced the following resolution which was adopted:—

*Resolved*, That the Committee on the Powers of the Constitution be instructed to enquire whether the act No. 1 of the Public Acts passed by the General Assembly at their session in 1840, entitled, "An Act laying a tax on lands in Brattleboro," is not so vague and an unequal taxation of land and lands, and therefore contrary to the true spirit of the Constitution.

Mr. Dewey introduced the following resolution, which was read and referred to the Judiciary Committee:—

*Resolved*, That the Constitution ought to be so altered as to provide for the choice of the Secretary of State by the People of the State.

Mr. Warr from the Committee on the Judiciary, made the following report upon the foregoing resolution: "that the Constitution ought not to be amended as contemplated in said resolution."

Which report was accepted and laid upon the table.

The report of Mr. Best from the Committee on the Judiciary (p. 46) upon the resolution of Mr. Dewey, as to the election of Judge and Chancellor by the People, and alterna theretofore, was called up and adopted by yeas and nays, as follows:—

Yea—Moore, Allen, Bell, Crawford, Cool, Hubbard, Penney, Smith, Stowell and Williams.—(15)

Nay—Mr. Dewey.—(1.)

The report of the Committee on the Resolution of Mr. Dewey, recommending the election of Secretary of State by the People of the State, and alterna theretofore, was called up and adopted.

The report of Mr. Jason, from Committee on Taxes and Expenditures, (pp. 33-4) which had been laid upon the table, was called up and after discussion, was again laid upon the table.

The report of Mr. Derry to the term and classification of Senators, (pp. 43-5) was called up, and the article of amendment to the Constitution thereof proposed, was, in view of Mr. Derry, seconded by saying, "Upon any new apportionment of Senators, the Legislature may make a new classification of the Senators and all elections of Senators shall be made and held subject to such classification," and the report, was again laid upon the table.

The Council adjourned.

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#### APPENDIX.

The Council in Committee of the Whole, Mr. Starr at the Chair, took up the report of Mr. Pennington on the subject of unequal representation, had after considering the same during the afternoon, now, reported progress, and had come to an agree to adjourn at 8 o'clock P. M.

The Council adjourned.

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TUESDAY, 23rd February 1848.

Prayer by the Rev. Mr. Fisher.

The Journal of yesterday was read and approved.

The report of Mr. Bishop from the Committee on the Powers of the Constitution, as to the mode of taking money for State Treasurers and Sheriffs, as follows:—

To the Council or Councils now assembled:

The Committee on the Powers of the Constitution, to whom was referred a resolution directing them to inquire whether the Constitution does not require its amendment in regard to the giving notice by the Treasurer of the State and the Sheriff of the several Counties, respectively, as follows:—

That by the 27th Section of the Second Part of the Constitution of this State, the Treasurer of the State is required to give notice to the Secretary of State in behalf of the General Assembly, before the Governor and Council, and each High Sheriff before the next Journals of the County Court.

When this provision and proceeding was regarded into the Constitution, one branch of the Government consisted of a Council, but by the

conventions to the Constitution which was adopted in 1789, this Council was superseded by a Senate. And by the 8th Article of these conventions, all the debts voted to, or incurred upon the Governor and Council, by the 27th section of said Second Part of the Constitution, were required to be performed by the Governor.

We are, therefore, of the opinion, that the Constitution sufficiently provides for the taking security of the Treasurer, and in this particular need no amendment.

Your Committee further report, that in their opinion, there is no difficulty now in regard to the proper audit for the giving security by the Sheriff of Counties, and that different processes prevail in different Counties. The uncertainty arises from the new Relation of our Judiciary, since the adoption of the Constitution. As our Courts are now constituted, one Judge of the Supreme Court, and two Assistant Judges, appointed for the County, constitute the County Court. The uncertainty in the judicial constitution of the Constitution grows out of the fracture in the County Courts. If the Judge of the Supreme Court, who shall preside at the County Court is to be regarded as the first Judge of the County Court, in the Constitutional sense, then there is a practical difficulty—the same Judge of the Supreme Court presides in more than one County.

We are, therefore, of the opinion that the great importance of having the securities required of the Sheriffs, legally and Constitutionally taken, justifies an amendment of the Constitution in this particular, and we recommend the following as a substitute for the said 17th Article of the Second Part of the Constitution, to wit—

The Treasurer of the State shall, before entering upon the duties of his office, give sufficient security to the Secretary of State, in behalf of the State of Vermont, before the Governor of the State, or one of the Judges of the Supreme Court; and such Sheriff and High Bailiff, before entering upon the duties of his office, shall give sufficient security to the Treasurer of their respective Counties before one of the Judges of the Supreme Court, or the two Assistant Judges of the County Court, of their respective Counties, in such manner and in such sum as shall be directed by the Legislature.

All which is submitted by

WM. HIBBARD,  
For Committee.

Was read, corrected, and laid upon the table.

Mr. Hibbard from the same Committee, made report on the resolution relative to the act of the Legislature laying a tax on Bradleysville, which was read and re-committed.

The report of Mr. Jones as to taxation of wild lands, (pp. 23-4) was called up by Mr. Tracy, and was, on his motion, amended by the adoption of the following resolution in the place of the resolution recommended by the Committee:—

*Resolved*, That in the judgment of this Council, by the present existing laws of the State, a disproportionate share of the taxes is imposed upon real estate, and more especially upon wild lands, which are in themselves not only unproductive, but diminutive, and not increasing in value, and that an equal, opposite and unequal burden often falls upon the non-resident proprietors of such lands.

The yeas and nays being demanded were as follows:

Yea—Moses Allen, Bell, Crawford and Storer.—(3.)

Nay—Moore, Nutt, Codd, Storrell and Williams.—(4.)

And the report and resolution so amended were adopted.

Mr. Dwyer from the Committee on the nomination of Mr. Dutson, as to the election of County and Probate officers, made the following report:—  
To the Hon. Council, now as follows:

Your Select Committee to whom was referred the resolutions of Mr. Dutson in relation to the election of County and Probate officers, and to whom the same subject was re-committed, with instructions to appropriate of amendment, &c., would respectfully report the following articles of amendment to the Constitution, agreeably to the terms of said report and instructions, viz.—

Art. 1st. The Assistant Judges of the County Court shall be elected by the Presidents of their respective Counties.

2d. Sheriff and High Sheriff shall be elected by the Presidents of their respective Counties.

3d. State's Attorneys shall be elected by the Presidents of their respective Counties.

4th. Judges of Probate shall be elected by the Presidents of their respective Probate Districts.

5th. Justices of the Peace shall be elected by the Presidents of their respective towns, not exceeding ten to any one town.

6th. All the officers named in the preceding five articles of amendment shall be annually elected by ballot, and shall hold their offices for one year, and year commencing on the first day of December next after their election.

7th. The election of the several officers mentioned in the preceding six articles, shall be made at the time and in the manner now directed in the Constitution for the choice of Senators. And the preceding officers, after the votes shall have been taken, sorted and counted, shall be open

Priestman's motion, make a catalogue of such persons voted for, with the number of votes given for each, annexed to his name and designate the office for which the votes were given, a record of which shall be made in the Town Clerk's office, and he shall seal up such certificates and shall write on the same the name of the town and the words "Certificate of votes for," and add thereto, in witness, the title of the office voted for, or the name may be, and shall deliver such certificate to some representative chosen to attend the General Assembly, where duly it shall be made and certificates of votes to be delivered to the Committee of the General Assembly appointed to examine the same;

And at the sitting of the General Assembly next after such balloting for the offices aforesaid, there shall be a Committee appointed of and by said General Assembly, who shall be sworn to the faithful discharge of their duty, and whose duty it shall be to examine such certificates and ascertain the number of votes given for each candidate, and the highest in nomination for the respective offices shall be declared duly elected, and by the Committee be reported to the General Assembly, and the officers so elected shall be constituted by the Governor, and if two or more persons designated for any one such office, shall have received an equal number of votes, the General Assembly shall elect one of them to such office.

All which is respectfully submitted by

JOHN EDWELL,  
The Committee.

Which was read, accepted and laid upon the table.

The Council adjourned.

#### APPENDIX.

Mr. Cool from Committee to whom was referred the examination of the Auditor of Accounts, made report, "that it was not, in the opinion of the Committee, necessary for the Council to take further action thereon."

Which report was accepted and adopted.

The following petition of Lovi Underwood and L. P. Blodgett was presented by Mr. Cool, read and referred to the Committee on the Petitions of the Constituents:—

To the Lieutenant Governor of Ontario:

Your petitioners beg leave respectfully to call your attention to the act of the Legislature of Ontario, approved Nov. 3d, 1848, entitled "An Act relating to licensing Innkeepers and Retailers."

Your petitioners desire your consideration of Sections 9 to 14 inclusive, and beg leave to suggest that the 9th Sec. is in violation of Art. II of the unratified sections of the Constitution of this State, by authorizing power to the people which is vested in the Legislature by said Article. Also, because, by the terms of said 9th Sec., voters in town and Precinct constituencies are constituted voters upon a question of Legislation.

If the act is to be considered that a voter must have both the qualifications of voters in town and Precincts residing, then many Precincts will be disfranchised. If they must have but one qualification, those persons not naturalized, are authorized to exercise all the powers of Precinct in relation to the subject of Legislation. The other Sections are basal upon this.

We therefore pray that you will give the subject your consideration, and so as duly bound your petitioners will ever pray,

J. W. UNDERWOOD,

L. P. BLOODGROVE,

The Council, in Committee of the Whole, Mr. Bush in the Chair, took up the Report of Mr. Dwyer on the subject of unequal representation, and after considering the same, now, reported progress, and laid it over adjourned to-morrow morning at 10 o'clock.

The report of Mr. Dwyer, as to the election of County officers, (pp. 31-32) was called up, and after several amendments, was laid upon the table.

The Council adjourned.

BOSTON, 28th February, 1848.

Prayer by the Rev. Mr. Bush.

The Journal of yesterday was read and approved.

Mr. Hubbard from the Committee on the Powers of the Constitution, made the following report:—

To the Committee on Charters:

The Committee on the Powers of the Constitution, to whom was referred a resolution directing them to inquire whether the act of 1843, No. 1, laying a tax on the lands in Bradleysville, is not unjust and unequal, and therefore contrary to the true spirit of the Constitution, beg leave to report:—

That if the lands in Bradleysville are in any degree similar to lands in the other towns in the State, with which this Committee are acquainted, this tax must be very "unjust." That the law has no reference to the value of the land, but each acre of land is taxed equally, without regard to its

present value at intrinsic value. This mode of making taxes is the holding of realty by, from the early formation of the Government, been adopted, and when the practice began to prevail, there might have been no objection to it that does not now exist. There may be some reason to doubt the Constitutionality of this mode of making taxes. It is clearly a departure from the ordinary mode, in two particular. First, that it is not a general law, affecting the whole community; and the other, is the case already named, that it is a specific tax upon the land without regard to its value. But it is a fact in the law-making history of the State, that has so long been acquiesced in by the people, without taking any violence to test its constitutionality, that it has thereby created a practical construction. And we are, therefore, the more willing to express our decided opinion upon the question of its constitutionality, but leave that question to be decided by the Supreme Court, in which we shall have an interest in the question and consequently enter.

The Committee therefore adj. to be discharged from any further consideration of the subject.

WM. HIRSHARD,  
*For Committee.*

Which report was accepted and adopted, and the Committee discharged.

Mr. Hirshard from the same Committee, made the following report:—  
To the Governor of Carolina:

The Committee on the Powers of the Constitution to whom were referred two resolutions, by which they were directed to enquire into the expediency of commanding the Constitution, that the Governor, Financial Governor and Treasurer, shall hold their respective offices till when are chosen, and qualified—and also to enquire whether there is any provision by which any officer of the Government can stand in the office of Governor in case of a vacancy of both the Governor and Financial Governor—and whether the commanding which the Governor and Financial Governor shall exercise their respective offices is sufficiently defined by the Constitution, respectfully report.—

That by the Constitution the particular period of time when the several officers named shall come to exercise the duties of their respective offices is not specifically defined.

These officers are to be voted for by the人民, on the first Tuesday in September in each year—at least the election is to be annual—but the result is not to be known till the Legislature shall convene, and this by a continuing Committee of the two Houses; but what particular day or time in the session this is to be done, is nowhere provided in the Constitution. When the continuing Committee make their report, so they

are to do, if it is ascertained that the Persons have made no election, the individuals so elected, immediately enter upon the duties of their respective offices, and by the most natural construction we should say that the term of the persons just named, when the new one began. And although this is not specifically defined by the Constitution, yet it is a construction that is arrived at by a natural course of reasoning. It, by the report of the examining Committee, it is ascertained, that the Persons have made no election, the Senate and House of Representatives by joint ballot, are required to make the election—but at what particular time on the session is not prescribed. And until an election shall be made by the House of Representatives and Senate, the office must be vacant unless the incumbent continues in office until his successor is elected. And, therefore, to remedy any supposed difficulty or uncertainty in this particular, and to supply any supposed defect, the Committee recommended the adoption of the following article, to be added to, and to become a part of the Constitution, to wit:—

The term of office of the Governor, Lieutenant Governor and Treasurer, of the State, respectively, shall commence when they shall be chosen and qualified, and shall continue for the Term of one year, or until their successors shall be chosen and qualified, or to the adjournment of the session of the Legislature, at which, by the Constitution and laws, their successors are to be chosen. And the Legislature shall provide, by law, defining what officer shall act as Governor whenever there shall be a vacancy in both the offices of Governor and Lieutenant Governor, occasioned by a failure to elect, or by the removal from office, or by the death, resignation, or inability of both the Governor and Lieutenant Governor to discharge the powers and duties of the office of Governor. And such officer so designated, shall exercise the duties and powers appertaining to the office of Governor, according to until the disability shall be removed, or a Governor shall be elected; and in case there shall be a vacancy in the office of Treasurer, by reason of any of the causes before mentioned, the Governor shall appoint a Treasurer for the time being, who shall act as Treasurer until the disability shall be removed, or a new election shall be made.

All which is submitted by

W. HERBARD,  
For Committee.

Which report was read, corrected and laid upon the table.

The Council or Committee of the Whole, Mr. Stoy on the Chair, took this consideration the report of Mr. Pomroy in its usual representation, and after discussing the same by striking out in the 7th, 8th and 9th lines of the amendment proposed, as follows: "having more than one hundred in-

Inhabitants and less than three thousand inhabitants,? were called and made report that the article as now worded ought not to be adopted.

When report of the Committee of the Whole being before the Council, Mr. Hart moved the following as a substitute:

The House of Representatives of the Province of this State shall consist of 100 persons most noted for wisdom and virtue, to be chosen by ballot by the Person or the several Counties of this State, on the first Tuesday of September, annually, however. And until the first census of the United States Government, or at such time by the State for this purpose, the representation shall be proportioned among the several Counties in the following numbers—

The County of Renfrew shall have six Representatives.  
 The County of Wentworth shall have nine Representatives.  
 The County of Windsor shall have fourteen Representatives.  
 The County of Rutland shall have ten Representatives.  
 The County of Addison shall have eight Representatives.  
 The County of Orange shall have nine Representatives.  
 The County of Chateaugay shall have eight Representatives.  
 The County of Washington shall have eight Representatives.  
 The County of Clinton shall have seven Representatives.  
 The County of Franklin shall have eight Representatives.  
 The County of Orleans shall have five Representatives.  
 The County of Lamoille shall have four Representatives.  
 The County of Essex shall have two Representatives.  
 The County of Grand Isle shall have two Representatives.

Mr. Crawford moved so to amend the amendment so to have the whole number of representatives 120 instead of 100 members.

When amended so the amendment was adopted.

The Council adjourned.

#### Annexation.

The Council considered the same subject which was before them on their adjournment and the proposition of Mr. Berube annexed was rejected by yeas and nays:

Yeas—Mr. Hart.—{1}

Nays—Brown, Allen, Bell, Crawford, Cool, Denney, Richard, Pennington, Stow, Russell and Williams.—{10.}

An amendment to the article reported was then proposed by Mr. Hart, as follows—strike out all after “as follows” in the 7th line, and insert the following:—“To each town having less than twenty-five hun-

and inhabitants, one representative—to each town having 2000 inhabitants, two representatives, and for every 1500 inhabitants beyond 2000 in any one town, there shall be one additional representative;"—which amendment was agreed to motion of Mr. Penrudd, by adding thereto the following—"The number of inhabitants as returned in in the foregoing article to be ascertained from the latest census which may have been taken by the State or United States." And the amendment so amended was adopted by yeas and nays.

Yea—[3.]

Nay—[2.]

And on the question of the adoption of the article so amended, the yeas and nays being demanded were as follows:—

Yea—Messrs. Bent, Coal, Penrudd, Moore, Storrell and Richard.—[3.]

Nay—Messrs. Allen, Bell, Crawford, Dewey and Williams.—[2.]

So the article was adopted, and its notice, referred to the Committee of Revision and Engrangement.

The report of Mr. Richard as to the term of office of Governor, Lieutenant Governor and Treasurer, was taken up, and as the question of its adoption, the yeas and nays being demanded, were as follows:—

Yea—Messrs. Allen, Bell, Bent, Coal, Crawford, Penrudd, Rice and Storrell.—[3.]

Nay—Mr. Dewey.—[1.]

So the report was adopted and the article of amendment therein proposed was referred to the Committee of Revision and Engrangement.

Mr. Dewey made the following report as to the election of Clerks of Courts and Registrars of Probate:—

To the Hon. the Councils of Session now in session:

The Committee to whom was referred the resolution of Mr. Dewey as to the election of Clerks of Courts and Registrars of Probate, would respectfully report—

That we have had due subject under consideration, and that we are of the opinion that Clerks of Courts are mere recording officers, not having or exercising any judicial power whatever, and that we do not think it expedient to recommend any change in the manner of their appointment.

Registrars of Probate are not merely recording officers, but in certain cases act as and perform the duties of Judges of Probate—they are appointed by the Judge of Probate, and when the Judge of Probate is a party in interest in a matter before the Probate Court, the Registrar of Probate adjudicates the same. We think the office are of too much importance

power to be in the gift of any single individual, nor that individual the one before trial before the Court of his own appointment. In case of a vacancy in the office of Judge of Probate, the Register succeeds to the office of Judge.

We would recommend to the Council the following article of amendment to the Constitution, viz:

"Registers of Probate shall be elected by the Freemen of their respective Probate Districts."

All which is respectfully submitted by

JOHN DEWEY,  
For Committee.

Which report was read, accepted and adopted, and the article of amendment proposed was referred to the Committee of Revision and En-grossment.

The Council adjourned.

Morris, 18th, February, 1842.

Prayer by the Rev. Mr. Crampton.

The Journal of Tuesday was read and approved.

Mr. Dewey from the Legislative Committee made report—

"That they have examined the laws passed by the General Assembly during the last session, and do not find in them any thing which in their opinion requires the action of the Council, except in those cases to which the attention of the Council has already been particularly directed."

Which was accepted and adopted.

Mr. Stowell introduced the following resolution—

Moved, That this Council adjourn without day on Wednesday morning next.

Which resolution was laid upon the table.

On motion of Mr. Dewey,

Moved, That a Committee of three be appointed to take up the business of this Council.

Mr. Stowell, Mr. Crawford and Mr. Allen were appointed said Committee.

On motion of Mr. Welch,

Moved, That the Secretary audit, examine, adjust and certify the financial expenses of this Council.

Mr. Penney called up the report of Mr. Welch as to the security to be given by the Free Treasurer, Sheriff and High Sheriff, and the se-

Article of amendment thereto recommended, after various discussions, was on motion adopted and referred to the Committee of Revision and Engraving.

The report of Mr. Dewey on the election of County officers by the people, was taken up, and on motion of Mr. Bus, the fifth article thereof was amended by striking a provision as to the number of Justices, as follows:—

"Towns having less than 1000 inhabitants, may elect two Justices of the Peace not exceeding five; towns having 1000 and less than 2000 may elect three; towns having 2000 and less than 3000 may elect four; towns having 3000 and less than 5000 may elect twelve; and towns having 5000 or over may elect fifteen, Justices of the Peace."

The Council adjourned.

At noon.

Mr. Dewey offered the following resolution which was adopted:

Motioned, That the Committee of Revision and Engraving examine the Constitution of this State, and report the articles of the present Constitution which the Council have proposed, or may propose, to amend, alter or abolish.

The Council took up and fully considered the report of Mr. Dewey, which was under consideration at the adjournment, relative to the election of County officers by the people, and adopted the same, article by article—on the 5th article as amended, the poll and vote being demanded were as follows:—

Yea—Masons, Bell, Crawford, Coal, Dewey, Hobard and Pennington.—(5)

Nay—Masons, Allen, Bell, Starr, Stowell and Williams.—(3)

So that article was also adopted, and the whole referred to the Committee of Revision and Engraving.

Mr. Dewey introduced a resolution as to printing the Journals, which was read and laid on the table.

Mr. Dewey called up the report on the term and classification of Senators, and on the question of its adoption the yea and nays being demanded were as follows:—

Yea—Masons, Allen, Bell, Dewey, Pennington and Starr.—(5)

Nay—Masons, Bell, Crawford, Coal, Hobard, Stowell and Williams.—(3)

On the report was rejected.

Mr. Stowell introduced the following resolution:

Motion, That a Committee of two be appointed to draft an Ordinance for a Committee to take into consideration the amendments of the Constitution to be proposed by the Council of Censors.

Which was read and adopted.

Mr. Hibbard and Mr. Storrell were appointed said Committee.

Mr. Storrell introduced the following resolution:

Motion, That the Constitution ought to be so amended that the alterations heretofore recommended by the Council of Censors may be submitted directly to the People of the State.

Which was read and referred to a Committee of three, to wit:—

Mr. Hibbard, Mr. Cawfield and Mr. Storrell.

Mr. Storrell introduced Constitution, said report recommending the adoption of the following article of amendment to the Constitution, to wit:

"All propositions for the alteration or amendment of the Constitution of the State, made by any future Council of Censors, shall be submitted directly to the People of the State for their consideration and adoption, or rejection, in the mode and manner hereafter to be provided by law."

Which report was accepted, and during its consideration.

The Council adjourned.

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TRENTON, 27th February, 1845.

Prayer by the Rev. Mr. Parker.

The Journal of yesterday was read and approved.

Mr. Hibbard presented the following printed memorial from Charles Adams, President of the Vermont Temperance Society:—

To the Chamber of Deputies of Vermont now in session:

The memorial of Charles Adams shows that he has the honor to be the President of the Vermont Temperance Society, and in their name and behalf he begs leave to call the attention of your august body to the inquiry whether the Legislature, in the enactment of laws regulating the traffic in intoxicating liquors, "have perverted their duties as guardians of the people," and whether by the enactment of laws, the effect of which is to give to a few the exclusive privilege of retailing such liquors, they have not "exercised other and greater power than they are entitled to by the Constitution."

The true aim of Government is that it may be instrumental for carrying into effect the principles on which it is founded. The best definition of republicanism is the application of the principles of Christianity to the business of life. These principles have for their object, the highest elevation of man as an intellectual, moral and accountable being. All laws,

therefore, is to be justifiable, must be right in themselves, must secure men in the enjoyment of their rights as social beings, and must have a direct tendency to promote their prosperity and happiness. Laws thus characterized, are within the competency of a legislative body, but if not, they cannot be justified, and their enactment is an usurpation of power not warranted by the divine will, and their enforcement destruction of the legitimate object of government, and injurious to the people they are designed to protect.

The inquiry proposed is of a grave character, demanding great thought and patience in its investigation.

Is the traffic in human slaves right? As a moral question, never more solemn can be presented to the consideration of a body invested with the power of acting in judgment upon the doings of the highest body known to the Constitution!

What makes any thing right, or any thing wrong? What gives character to human conduct? In what way shall we determine the moral character of a public measure? In other words, what is the great law of right and wrong? Without taking time to discuss the various theories that might be suggested, your materialist bogy loves to state as it follows what he believes is the true theory of right and wrong.

Every created thing is subject to some rule which may be said to be the law of its creation. There is a law of the heavenly bodies, regulating their motions and prescribing their courses. There is a law of uncreated nature, giving life, energy and power and all their rans, breathing into them an instinct, perfect in its nature and sufficient for all the objects of their being. So in all things, we can discover a law, giving to the eye its sight, and to the lightning the basis of its force, while the flower that blossoms at our feet gives evidence of a law of love as sublime as the glorious sun.

While all other created things, in uttering a glorious voice of their heavenly origin, proclaim the existence of a law of being as perfect as it is great, and as sure as it is good, it would be a crime against the author of man's being to entertain a doubt that, in his manner, man, the head of all-created intelligence has himself, is also subject to a law of his being. But what is that great law, and where shall we find it? Shall we look to the heavens and see whether the sun-beams have written it there—or shall we turn to the earth and hear its voice in the roarings of the thunder and the earthquake? Or shall we listen to the still small voice whose whisperings cause not aid whose teachings find not—or shall we reverently bow down to the record of creation and learn the teachings that Omnipotence in his kindness inscribed to man from Sion's high exalted moral? But while we listen to all, and learn from all, we must remember that conscience is imperishable power, and that it is exerting

only when it is exhibited, that can be older than the Scriptures, that the law of his being existed before the Decalogue was given, that the Scriptures do not so much proclaim a new law as they are declaratory of that which existed before, from the exceeding of creation, when the sun reposed in new-born light and the plastic earth began its never-ending course.

Whatever gave character to the first prayer that went up from the garden of Eden—whatever gave character to the first murderer on the earth, is as true now as it was then, and the law of right, against which God offended, has its foundation now where it had then, in the deep foundation of each other, in the law of man's being against which no mortal can offend and be guiltless. Sin and rebellion have at all ages ruined the empire. "Are I thy brother's keeper?" and the echoes of the first tremble answer back reverberated from age to age, and will roll round the world forever and forever, giving its awful import to that law of man's being, and weeping from the offender the reluctant confession that his punishment is greater than he can bear.

A law, intended for the regulation of human conduct, should be plain, obvious in its meaning and direct in its application. It must not depend on that profound research which only few can make, it must not be confined to the Scriptures, which are known to but a limited portion of mortals, it must not be limited even to the declarations of conscience, for while the oracle may be misinterpreted, its teachings may be wrong, but must result from considerations which, while they face themselves upon our observation, will make themselves felt and heard and understood.

The law of happiness is universal. All feel its force and make it the business of life to attain it. Those who stop in their career and endeavor to analyze human conduct, who perceive that happiness is a result, and being so, will be anxious to know from what it is a result. They perceive intuitively that all possess certain well-defined powers of the body, powers of the soul and powers of the heart; that such powers are in their nature capable of cultivation and improvement, and that though they may not become perfect here, they are capable of an improvement so radical as the duration of man's existence, and that the honest endeavour to improve these powers, and to attain that perfection is sure to render the most perfect happiness of which man is capable. From these hints the following principles may be deduced:

That man, as an immortal being, possesses an existence here which shall extend forever. That God has kindly bestowed upon him bodily, intellectual and moral power. That these powers are improvable in their nature, and that the improvement commenced on the earth may be continued in a higher and better world, until at length they become unus-

merely perfect. That perfection of man's powers is the end and object of man's existence, and improvement the means of attaining it. That in the highest struggle for the improvement, man finds his only safety for the happiness of which he desire is capable.

From such views and considerations, the obvious result is that the law of man's being is the perfection of his bodily, intellectual and moral powers, and hence the rule of right and wrong becomes apparent, simple and plain. Whatever tends to the improvement of these powers is right, but that which has no such tendency is wrong.

Viewed in the light of such a rule, how does the liquor traffic appear? If it has any tendency to improve any of the powers of man, it can easily be pointed out; and with the evils before our eyes that ~~should~~ humanity, we have a right to demand that, man's tendency be pointed out, or that it be abandoned. It has no such tendency, but its influence is to destroy those powers, to paralyse the strong arm, to blight the intellect, and make even a maniac, or an idiot; to tear from the bosom divine nature, and send man forth a brute and a savage!

The legislation on the subject of the liquor traffic is an anomaly in the history of man. It provides a dilemma from which no advocate of the traffic can escape. The use and traffic in liquor as a beverage is either right or wrong! Which is it? If right, then why restrict the use—why give exclusive privileges to deal in it? The use and traffic in corn, meat, milk, &c., is evidently right. Would any legislator dare to control the use and traffic in those things? to give exclusive privilege in the vending of them? Most certainly not. The attempt would be considered as an unwaranted usurpation of power, and it would be put down. If, then, the use and traffic in liquor be right, it must be put on other and different grounds from that of corn, meat, milk, &c.; but the impossibility of drawing distinctions between the use and traffic in things all equally right, demonstrates that the use and traffic in liquor is not right.

If the traffic and use of liquor is wrong, how can the legislature be justified in authorizing license to sell it? A legislature license can have no tendency to change the character of the master.

The whole legislation of the State, from the first act to the last, has been based on the idea that the general use was wrong, and therefore the attempt has always been to restrain the traffic. Believing that an unlimited traffic would be destructive they have attempted, through the intervention of licensees, to restrain it, and the result has shown the folly of allowing the introduction of an evil in the hope of re-taint.

Your abolitionist means that the Legislature, as "guardians of the people," have transcended their powers in attempting to legalize a traffic which has no foundation in right, and which has produced an amount of

evil beyond that of any public act that was ever sanctioned—that these evils will continue as long as Legislative sanctions can be affixed. It is vain to hope that moral censure can effectively prevent the evils of Intemperance while the number of liquor can share a legislative sanction. But why should good men be required to make great efforts to check the evils of State Legislation? Is it not a strange situation that a State, calling itself moral, should allow a course of legislative enactment that requires resistance at every step, in order to roll back the flood that the laws bring upon the country and the world?

The State Temperance Society begs leave to come before your august body and request that, in behalf of the thousands made wretched by Intemperance, you would take the subject into your consideration, that you would examine and determine whether the legislation on the subject of the traffic in liquor is consonant with right, and beneficial to the people; and if not then if they resolve the public cause of your Honorable body.

All which is respectfully submitted by

CHARLES ADAMS.

Which memorial was read, and, on motion of Mr. Nichols, referred to a Select Committee of three members.

Mr. Starr, Mr. Bell and Mr. Cool, were appointed said Committee.

The report of Mr. Russell from the Committee to whom was referred the resolution as to submitting, in token, amendments proposed by the Council of Censors, to the people, was taken up, and amended as follows:—Strike out after “resolution,” and insert “by an Ordinance to be promulgated by the Council of Censors at the time of submitting these propositions of amendment;” and on the question of the adoption of the article as amended, the yeas and nays being demanded, were as follows—

Yea—Messrs. Crawford, Cool, Nichols, Penruddock, Starr and Russell.—(6.)

Nay—Messrs. Allen, Bell, Burt, Dewey and Williams.—(5.)

By the article reported, as amended, was adopted, and on motion was referred to the Committee of Revision and Engagement.

The resolution of Mr. Dewey as in printing journals, &c., was called up, amended and referred to a Committee of one for further amendment.

Mr. Dewey was appointed said Committee.

The Council adjourned.

## ANNOUNCEMENT.

Mr. Dewey being the Counsellor to whom was referred the resolution by the submitted as to the printing and distribution of the Journals of this Council, reported the same accented as follows:—

Resolved. That the Secretary procure to be printed 750 copies of the Journal of the Council, and that two hundred and fifty copies thereof be delivered to the Sergeant-at-Arms of this State, to be distributed among the members of the Legislature when assembled, and that the remainder of the copies be delivered to the Sheriff of the several Counties, to be by them distributed as follows:—To the State Librarian fifty copies—to the Governor, the Lieutenant Governor, Secretary of State, Clerk of the House of Representatives, Secretary of the Senate, Secretary of Civil and Military Affairs, and to the members of this Council, each five copies,—to the ex-Governor and Lieutenant Governor of the State—to the Judges of the Supreme, County and Probate Courts—to the Clerks of the County Courts—to the Register of Probate, and to the Town Clerks of each incorporated town in the State, each one copy.

Such parts of the Constitution as are proposed to be altered or amended, together with the alterations and amendments proposed by this Council, the Address of the Council to the people, and the Ordinance for calling a Convention, to be printed at the close of the Journal, and the Address and Ordinance to be signed by the President and Secretary of the Council.

And the resolution so accented and reported, was accepted and adopted.

Mr. Hibbard from the Committee on the Powers of the Constitution, submitted the following report on the memorial of Ivory Liles, as to the unconstitutionality of the Act of the Legislature respecting the town of Mansfield in Marion, and on the petition of L. P. Blodgett and Levi Underwood, as to the unconstitutionality of the act of the Legislature as to licensing Innkeepers and Retailers:—

To the Council of Councils now as follows:

The Committee on the Powers of the Constitution would respectfully report—

That they fully recognize the right of petition, memorial and remonstrance, and, in the cases here submitted, the Committee recognize the right of the petitioners to ask of the Council the consideration of the matters thereto contained.

The idea of a petition presupposes an ability to grant the prayer of it, a fixed jurisdiction; and also a discretion to reject it, if, upon the whole, the effect of a such detention would dictate that course. But this body are not invested with the power of "making grants."<sup>11</sup> The next that this Council can do is to advise or "recommend to the Legislature the repealing such laws as shall appear to have been passed

contrary to the principles of the Constitution." But the Legislature is not bound to regard such recommendations.

The Committee are therefore of the opinion that, in most cases, it is better to leave the consideration of Constitutional questions growing out of the enactments of the Legislature, to the decision of the Supreme Court, where there is doubt, and which adult of such a question, without being embarrassed by the action or opinion of any single individual, or body of men,—where action or opinion when expressed, are not in any manner conclusive or binding, and still whose judgment, as matter of course, might be supposed to be entitled to some respect.

Your Committee, therefore most respectfully suggest that those acts are, both of them, such as can conveniently be submitted to the Supreme Court upon such cases as may arise under them, and not to be discharged from the further consideration of said committee and poster.

WM. HERARD,

*For Committee.*

Which report was read and accepted, and on motion, adopted, and the Committee discharged from its further consideration.

Mr. Burr, from the Select Committee to whom was referred the resolution by him offered, as to calling a Convention in proportion to population, made report—

"That having had that subject under consideration, and as they came not down to any agreement upon the same, not to be inserted from its further consideration."

Which report was read, accepted, and as motion adopted.

Mr. Starr from the Select Committee to whom was referred the resolution of Charles Adams, President of the Vermont Temperance Society, made the following report—

That they have had the said Memorial under consideration, and they regret that, at this late hour of the session of the Council, they have not been able to give it that deliberate and careful consideration which its importance demands. The Council are appealed to, in the Memorial, to-day the clause of the Constitution prescribing their duties, which directs them to inquire whether "the legislative and executive branches of the government have performed their duties as guardians of the people."

In matters of doubtful legislation, the Council did not detract their duty, under the above provision, to express an opinion upon acts of the Legislature. The subject of granting licenses for the sale of intoxicating liquors as a beverage, or of prohibiting the sale entirely for that use, is a very difficult and delicate subject of Legislation. It is a balancing of

arts. What would be proper and prudent legislation in one state of society, might be impudent and noxious in another, depending upon the habits and moral sentiments of the people.

But enacting that practices, acknowledged to be demeaning and mischievous in community, should be prohibited under the license or sanction of law, or that government should derive a revenue from the license of vice; but if an absolute prohibitory act of such practices, (from the temptation to the breach of it, or the difficulty or impossibility of enacting it,) would produce greater evils, the Legislature may be justified in granting restricted licenses for such practices, and making them the means of revenue. The moral eloquence of the people must expose these evils; and as our laws are but the expression of the will of the people, when the declaration of that will is sufficiently strong and decided, the Council cannot doubt the laws will be conformed to it;—and the Council ceasing to be discharged from the further consideration of the subject.

PETER STARR,  
*For Committee.*

Which report was read, accepted, and as motion adopted, and the Committee discharged.

Mr. Starr offered the following article of amendment to the Constitution:—

"There shall not be elected, nor appointed, more than *five Justices* of the Peace in any town having less than one thousand inhabitants,—nor more than *seven Justices* of the Peace in any town having one thousand, and less than two thousand inhabitants; nor more than *ten Justices* of the Peace in any town having two thousand, and less than three thousand inhabitants; nor more than *twelve Justices* of the Peace in any town having three thousand, and less than five thousand inhabitants; nor more than *fifteen Justices* of the Peace in any town having five thousand, or more, inhabitants."

Which article, after being considered, was adopted and referred to the Committee of Revision and Registration.

Mr. Thibault from the Committee of Revision and Registration, reported the following fifteen articles of amendment adopted by the Council, revised and engrossed, which were read, accepted, and, article by article, adopted as proposed amendments of the Constitution of the State, to be submitted to a Convention to be called, under an Ordinance of this Council, for that purpose:—

**ARTICLE I.**—The House of Representatives of the Veterans of the State shall consist of persons most noted for wisdom and virtue, to be chosen by ballot, by the Presidents of the State, on the first Tuesday of September, annually forever; and the Representatives shall be apportioned to, and elected by, the several towns respectively as follows:—

To each town having less than twenty-five hundred inhabitants, one Representative; to each town having twenty-five hundred inhabitants, two Representatives; and for every three hundred inhabitants above twenty-five hundred to any one town, there shall be one additional Representative.

The number of inhabitants referred to in this article, to be always ascertained from the latest census which may have been taken by this State, or by the United States.

**ARTICLE 2.**—No balloting for town Representatives shall be commenced after twelve o'clock of the night of the first Tuesday in September.

**ARTICLE 3.**—The Assistant Judges of the County Courts shall be elected by the Presidents of their respective Counties.

**ARTICLE 4.**—Sheriff and High Sheriff shall be elected by the Presidents of their respective Counties.

**ARTICLE 5.**—State's Attorneys shall be elected by the Presidents of their respective Counties.

**ARTICLE 6.**—Judges of Probate shall be elected by the Presidents of their respective Probate Districts.

**ARTICLE 7.**—Justices of the Peace shall be elected by the Presidents of their respective towns; and towns having less than one thousand inhabitants may elect any number of Justices of the Peace not exceeding five; towns having one thousand, and less than two thousand inhabitants, may elect seven; towns having two thousand and less than three thousand inhabitants, may elect ten; towns having three thousand and less than five thousand inhabitants, may elect twelve; and towns having five thousand, or more, inhabitants, may elect fifteen Justices of the Peace.

**ARTICLE 8.**—Registers of Probate shall be elected by the Presidents of their respective Probate Districts.

**ARTICLE 9.**—All the officers named in the preceding articles of amendment shall be annually elected by ballot and shall hold their offices for one year, and year commencing on the first day of December and after their election.

**ARTICLE 10.**—The election of the several officers mentioned in the preceding articles, excepting town Representatives, shall be made at

the time and in the manner now directed in the Constitution for the election of Governor. And the presiding officer of each Precinct's meeting, after the votes shall have been taken, voted and counted, shall, in open meeting, make a certificate of the names of such persons voted for, with the number of votes given for each, annexed to his name and designating the office for which the votes were given, a record of which shall be made in the Town Clerk's office, and be shall seal up said certificates, and shall retain thereon the name of the town and the ward. Certificate of votes for \_\_\_\_\_ and with thereto, be sealing, the title of the office named for, as the case may be, and shall deliver such certificates to some Representative chosen in a member of the General Assembly, whose duty it shall be to name such certificates of votes to be delivered to the Committee of the General Assembly appointed to examine the same. And at the sitting of the General Assembly, next after such balloting for the offices aforesaid, there shall be a Committee appointed of and by the General Assembly, who shall be sworn to the faithful discharge of their duty and whose duty it shall be to examine such certificates and ascertain the number of votes given for each candidate, and the person receiving the largest number of votes for the respective offices, shall be declared duly elected, and by such Committee be reported to the General Assembly, and the officers so elected shall be commissioned by the Governor. And if two or more persons designated for any one of said offices, shall have received an equal number of votes, the General Assembly shall elect one of such persons to such office.

**Article 11.**—The term of office of the Governor, Lieutenant Governor, and Treasurer of the State, respectively, shall commence when they shall be chosen and qualified, and shall continue for the term of one year, or until their successors shall be chosen and qualified, or to the adjournment of the session of the Legislature, at which, by the Constitution and laws, their successors are required to be chosen, and not after such adjournment. And the Legislature shall provide, by general law, declaring what officer shall act as Governor whenever there shall be a vacancy in both the offices of Governor and Lieutenant Governor, caused by a failure to elect, or by the removal from office, or by the death, resignation, or inability of both Governor and Lieutenant Governor, to execute the powers and discharge the duties of the office of Governor; and such officer, so designated, shall exercise the powers and discharge the duties appertaining to the office of Governor accordingly until the disability shall be removed, or a Governor shall be elected. And in case there shall be a vacancy in the office of Treasurer, by reason of any of the causes enumerated, the Governor shall appoint a Treasurer for the time being, who shall act as Treasurer until the disability shall be removed, or a new election shall be made.

**Article 12.**—The Treasurer of the State shall, before entering upon the duties of his office, give sufficient security to the Secretary of State, in behalf of the State of Vermont, before the Governor of the State, or one of the Judges of the Supreme Court. And Sheriff and High Bailiff, before entering upon the duties of their respective offices, shall give sufficient security to the Treasurer of their respective Counties, before one of the Judges of the Supreme Court, or the two Assistant Judges of the County Court of their respective Counties, in such manner and in such sum as shall be directed by the Legislature.

**Article 13.**—All propositions for the alteration or amendment of the Constitution of the State, made by any Town Council of Cities, shall be submitted directly to the People of the State for their consideration and adoption, or rejection, by an Ordinance to be promulgated by the Council of Cities at the time of submitting their propositions of amendment.

**Article 14.**—The Senate shall be composed of thirty Senators, to be of the Persons of the County for which they are elected respectively, who shall have attained the age of thirty years, and they shall be elected annually by the Persons of such County respectively.

The Senators shall be apportioned to the several Counties, according to the population, as ascertained by the census taken under the authority of Congress in the year 1840, regard being always had, in such apportionment, to the County having the largest Inhabitants, and giving tenth County at least one Senator.

The Legislature shall make a new apportionment of the Senators to the several Counties, after the taking of each census of the United States, and after a census taken for the purpose of such apportionment, under the authority of the State, always regarding the above provisions of this article.

**Article 15.**—There shall not be elected, nor appointed, more than four Justices of the Peace in any town having less than one thousand inhabitants—not more than seven Justices of the Peace in any town having one thousand, and less than two thousand inhabitants; not more than ten Justices of the Peace in any town having two thousand, and less than three thousand inhabitants; not more than twelve Justices of the Peace in any town having three thousand, and less than five thousand inhabitants; not more than fifteen Justices of the Peace in any town having five thousand, or more, inhabitants."

Mr. Hubbard from the same Committee, made the following report—

"That they have examined the Constitution of the State, and find that

the following Sections and Articles of the same will be altered, amended or superseded by the adoption of the proposed Articles of the Council, to wit:—

Section 8, by Article 2 of the proposed amendments.

- 9 and 10, by Articles 3 to 11 inclusive of the proposed amendments.
- 17, by Article 18 of the proposed amendments.
- 41, by Article 12 of the proposed amendments.

Article 4 of the aforesaid Constitution, will be superseded by the 14th Article of the proposed amended Articles."

Which was read and adopted.

Mr. DURRAN, a member of the Council, opposed and voted his nay.

Mr. Hibbard called up the resolution for calling a Convention, and on the question of its adoption, the yeas and nays being demanded were as follows:—

Yea—Messrs. Hart, Crawford, Cool, Dutcher, Durkee, Hibbard, Peasey, Stowell and Williams.—[3.]

Nay—Messrs. Allen, Bell and Scott.—[1.]

So the resolution was adopted by a vote of two-thirds of the Council.

Mr. Hibbard from the Committee to draft an Ordinance for a Convention to consider and act upon the amendments to the Constitution proposed by the Council, reported the following:—

### ORDINANCE.

#### STATE OF VERMONT, In Council or Council, Feb. 1840. {

The Council having agreed to propose certain amendments to the Constitution of the State, and having determined to call a Convention to consider such amendments:—

Therefore, It is ordered by said Council, that a Convention of the people of the State of Vermont shall meet at the State House in Montpelier, on the first Wednesday in January A. D. 1840, to consider of the amendments to the Constitution proposed by the Council, and to adopt the same, or such parts thereof as the said Convention shall judge will be most conducive to the good government, peace and happiness of the people of the State. And for the purpose of electing delegates to attend such Convention, the first Constable, or in his absence, the town Clerk, or in his absence, one of the Selectmen of each town in the State, entitled to send a representative to the General Assembly, without further order, shall set up a notification at such place or places as shall have been appointed for

notifying town meetings in each town, at least ten days before the third Tuesday in November, A. D. 1819, warning the Freemen of their respective towns to meet on the said third Tuesday in November, 1819, at one o'clock in the afternoon, at the place where the last Freeman's meeting was held in each town, for the purpose of electing delegates to represent the Freemen of said town in said Convention, at the opening of which meeting the order shall be publicly read.

And the first Constable, or, in his absence or disability, the Town Clerk, or some one of the Selectmen of each town, or a Justice of the Peace, shall preside at each meeting, whose duty it shall be to call on the Freemen of each town, from time to time, for the space of four hours, to give to their votes for such delegate, whose votes shall be given and received in the same manner and under the same regulations as is by law provided in the case of electing Representatives to the General Assembly; and at the expiration of such time, the votes returned, shall, by said presiding officer, with the assistance of the Selectmen and Justices of the Peace in each town, be sorted and counted, and if no person shall have a majority of all of the votes, the said presiding officer shall notify the same, and again call upon the Freemen at intervals, giving a reasonable time for recusing such votes, until no election shall have been made. And after an election shall have been made, so declared, the presiding officer of said meeting shall deliver to the person elected, a certificate of the following tenor, to wit—

STATE OF VERMONT, } At a Freeman's meeting warned and  
} held on \_\_\_\_\_ in presence of an order  
of the Council of Censors, on the \_\_\_\_\_ was elected a delegate,  
by a majority of the Freemen present, to represent the citizens of \_\_\_\_\_  
in Convention to be held on the \_\_\_\_\_ for the purpose of taking into consider-  
ation certain amendments to the Constitution of this State, proposed  
by said Council of Censors, in February last.

Given under my hand at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18—  
C. D. \_\_\_\_\_, first Constable or Presiding officer.

Which Ordinance was, on motion, unanimously adopted by the Council.

On motion of Mr. Crawford, voted that when the Council adjourn they adjourn to meet to-morrow morning at half-past 11 o'clock.

On motion of Mr. Powers, voted that when the Council adjourn to-morrow morning, they adjourn without day.

Mr. Stowell, from the Committee on Debts due, made report "that the Committee had performed the duties assigned them," which was accepted.

On motion, voted that the Secretary discharge the debtors.

On motion, voted that the Committee on the Address prepare the same and furnish the Secretary a copy for publication, as soon as their committee will permit.

Mr. Crawford submitted the following resolution:—

*Motioned, That the thanks of the Council be tendered to the President, for the able and impartial manner in which he has discharged his duty in presiding over their deliberations.*

Which resolution was adopted by an unanimous vote—whereupon the President briefly and feelingly replied, and

The Council adjourned.

—————

Wednesday, 25th February, 1788.

The Council next pursued its adjournment.

The reading of the Journal was dispensed with, and on motion  
The Council adjourned without day,

JOHN S. POMEROY,  
*Secretary.*

—————

## Articles of Amendment proposed by the Council.

**Article 1.**—The House of Representatives of the Province of this State shall consist of persons most noted for wisdom and virtue, to be chosen by ballot, by the Freemen of the State, on the first Tuesday of September, annually forever; and the Representatives shall be apportioned to, and elected by, the several towns respectively as follows:—

To each town having less than twenty-five hundred inhabitants, one Representative; to each town having twenty-five hundred inhabitants, two Representatives, and for every fifteen hundred inhabitants above twenty-five hundred in any one town, there shall be one additional Representative.

The number of inhabitants referred to in this article, to be always augmented from the latest census which may have been taken by this State, or by the United States.

**Article 2.**—No ballot for town Representative shall be commenced after twelve o'clock of the night of the first Tuesday in September.

ARTICLE 3.—The Assistant Judges of the County Court shall be elected by the Freemen of their respective Counties.

ARTICLE 4.—Sheriffs and High Bailiffs shall be elected by the Freemen of their respective Counties.

ARTICLE 5.—State's Attorneys shall be elected by the Freemen of their respective Counties.

ARTICLE 6.—Judges of Probate shall be elected by the Freemen of their respective Probate Districts.

ARTICLE 7.—Justices of the Peace shall be elected by the Freemen of their respective towns; and towns having less than one thousand inhabitants may elect any number of Justices of the Peace not exceeding five; towns having one thousand, and less than two thousand inhabitants, may elect seven; towns having two thousand and less than three thousand inhabitants, may elect ten; towns having three thousand and less than five thousand inhabitants, may elect twelve; and towns having five thousand, or more, inhabitants, may elect fifteen Justices of the Peace.

ARTICLE 8.—Registers of Probate shall be elected by the Freemen of their respective Probate Districts.

ARTICLE 9.—All the officers named in the preceding articles of amendment shall be annually elected by ballot and shall hold their offices for one year, said year commencing on the first day of December next after their election.

ARTICLE 10.—The election of the several officers mentioned in the preceding articles, excepting town Representatives, shall be made at the times and in the manner now directed in the Constitution for the choice of Senators. And the presiding officer of each Freemen's meeting, after the votes shall have been taken, sorted and counted, shall, in open meeting, make a certificate of the names of each person voted for, with the number of votes given for each, annexed to his name and designating the office for which the votes were given, a record of which shall be made in the Town Clerk's office, and he shall seal up said certificate, and shall write thereon the name of the town and the words, *Certificate of votes for \_\_\_\_\_* and add thereto, in writing, the title of the office voted for, as the case may be, and shall deliver such certificate to some Representative chosen as a member of the General Assembly, whose duty it shall be to cause such certificate of votes to be delivered to the Committee of the General Assembly appointed to canvass the same. And at the sitting of the General Assembly, next after such balloting for the officers aforesaid, there shall be a Committee appointed of and by the General Assembly, who shall be sworn to the faithful discharge of their duty and

whose duty it shall be to examine such certificates and ascertain the number of votes given for each candidate, and the persons receiving the largest number of votes for the respective offices, shall be declared duly elected, and by such Committee be reported to the General Assembly and the officers so elected shall be commissioned by the Governor. And if two or more persons designated for any one of said offices, shall have received an equal number of votes, the General Assembly shall elect one of such persons to such office.

ARTICLE 11.—The term of office of the Governor, Lieutenant Governor, and Treasurer of the State, respectively, shall commence when they shall be chosen and qualified, and shall continue for the term of one year, or until their successors shall be chosen and qualified, or to the adjournment of the session of the Legislature, at which, by the Constitution and laws, their successors are required to be chosen, and not after such adjournment. And the Legislature shall provide, by general law, declaring what officer shall act as Governor whenever there shall be a vacancy in both the offices of Governor and Lieutenant Governor, occasioned by a failure to elect, or by the removal from office, or by the death, resignation, or inability of both Governor and Lieutenant Governor, to exercise the powers and discharge the duties of the office of Govenor; and such officer, so designated, shall exercise the powers and discharge the duties appertaining to the office of Governor accordingly until the disability shall be removed, or a Governor shall be elected. And in case there shall be a vacancy in the office of Treasurer, by reason of any of the causes enumerated, the Governor shall appoint a Treasurer for the time being, who shall act as Treasurer until the disability shall be removed, or a new election shall be made.

ARTICLE 12.—The Treasurer of the State shall, before entering upon the duties of his office, give sufficient security to the Secretary of State, in behalf of the State of Vermont, before the Governor of the State, or one of the Judges of the Supreme Court. And Sheriffs and High Bailiffs, before entering upon the duties of their respective offices, shall give sufficient security to the Treasurer of their respective Counties, before one of the Judges of the Supreme Court, or the two Assistant Judges of the County Court of their respective Counties, in such manner and in such sums as shall be directed by the Legislature.

ARTICLE 13.—All propositions for the alteration and amendment of the Constitution of this State, made by any future Council of Censors, shall be submitted directly to the Freemen of the State for their consideration and adoption, or rejection, by an Ordinance to be promulgated by the Council of Censors at the time of submitting their propositions of amendment.

ARTICLE 14.—The Senate shall be composed of thirty Senators, to be of the Freemen of the County for which they are elected, respectively, who shall have attained the age of thirty years, and they shall be elected annually by the Freemen of each County respectively.

The Senators shall be apportioned to the several Counties, according to the population, as ascertained by the census taken under the authority of Congress in the year 1840, regard being always had, in such apportionment, to the Counties having the largest fraction, and giving to each County at least one Senator.

The Legislature shall make a new apportionment of the Senators to the several Counties, after the taking of each census of the United States, or after a census taken for the purpose of such apportionment, under the authority of this State, always regarding the above provisions of this article.

ARTICLE 15.—There shall not be elected, nor appointed, more than *five* Justices of the Peace in any town having less than one thousand inhabitants ;—nor more than *seven* Justices of the Peace in any town having one thousand, and less than two thousand inhabitants ; nor more than *ten* Justices of the Peace in any towu having two thousand, and less than three thousand inhabitants ; nor more than *twelve* Justices of the Peace in any town having three thousand, and less than five thousand inhabitants ; nor more than *fifteen* Justices of the Peace in any town having five thousand, or more, inhabitants.”

## Sections or Articles of the Constitution

### AFFECTED BY THE FOREGOING PROPOSED ARTICLES OF AMENDMENT.

SECTION 8.—The House of Representatives of the Freemen of this State shall consist of persons most noted for wisdom and virtue, to be chosen by ballot by the Freemen of every town in this State, respectively, on the first Tuesday of September, annually, forever.

SEC. 9.—The representatives so chosen, (a majority of whom shall constitute a quorum for transacting any other business than raising a State tax, for which two thirds of the members elected shall be present,) shall meet on the second Thursday of the succeeding October, and shall be styled, *The General Assembly of the State of Vermont* ; they shall have power to choose their Speaker, Secretary of State, their Clerk, and other

necessary officers of the House; sit on their own adjournments; prepare bills and enact them into laws; judge of the elections and qualifications of their own members: they may expel members, but not for causes known to their constituents antecedent to their election; they may administer oaths and affirmations in matters depending before them; redress grievances; impeach State criminals; grant charters of incorporation; constitute towns, boroughs, cities, and counties: they may, annually, on their first session after their election, in conjunction with the Council, (or oftener if need be) elect Judges of the Supreme and several County and Probate Courts, Sheriffs and Justices of the Peace; and also, with the Council, may elect Major-Generals and Brigadier-Generals, from time to time, as often as there shall be occasion; and they shall have all other powers necessary for the Legislature of a free and sovereign State. But they shall have no power to add to, alter, abolish, or infringe any part of this Constitution.

SEC. 10.—The Supreme Executive Council of this State shall consist of a Governor, Lieutenant Governor, and twelve persons, chosen in the following manner, to wit:—the Freemen of each town shall, on the day of election for choosing representatives to attend the General Assembly, bring in their votes for Governor, with his name fairly written, to the Constable, who shall seal them up, and write on them, "*Votes for Governor,*" and deliver them to the representative chosen to attend the General Assembly. And at the opening of the General Assembly there shall be a Committee appointed, out of the Council and Assembly, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count the votes for the Governor, and declare the person who has the major part of the votes, to be Governor for the year ensuing. And if there be no choice made, then the Council and General Assembly, by their joint-ballots, shall make choice of a Governor. The Lieutenant Governor and Treasurer shall be chosen in the manner above directed. And each Freeman shall give in twelve votes for twelve Councillors, in the same manner, and the twelve highest in nomination shall serve, for the ensuing year, as Councillors.

SEC. 27.—The Treasurer of the State shall, before the Governor and Council, give sufficient security to the Secretary of the State, in behalf of the General Assembly, and each High Sheriff, before the first Judge of the County Court, to the Treasurer of their respective Counties, previous to their respectively entering upon the execution of their offices, in such manner and in such sums, as shall be directed by the Legislature.

SEC. 43.—In order that the freedom of this Commonwealth may be

preserved inviolate forever, there shall be chosen by ballot, by the Freemen of this State, on the last Wednesday in March, in the year one thousand seven hundred and ninety-nine, and on the last Wednesday in March in every seven years thereafter, thirteen persons, who shall be chosen in the same manner the Council is chosen, except they shall not be out of the Council or General Assembly, to be called *the Council of Censors*, who shall meet together on the first Wednesday of June next ensuing their election, the majority of whom shall be a quorum in every case; except as to calling a Convention, in which two-thirds of the whole number elected shall agree; and whose duty it shall be to enquire whether the Constitution has been preserved inviolate in every part during the last septenary, (including the year of their service,) and whether the Legislative and Executive branches of government have performed their duty as guardians of the people, or assumed to themselves, or exercised, other or greater powers than they are entitled to by the Constitution. They are also to enquire whether the public taxes have been justly laid and collected in all parts of this Commonwealth; in what manner the public moneys have been disposed of, and whether the public laws have been duly executed. For these purposes they shall have power to send for persons, papers and records;—they shall have authority to pass public censures, to order impeachments, and to recommend to the legislature the repealing such laws as shall appear to have been passed contrary to the principles of the Constitution; these powers they shall continue to have for and during the space of one year from the day of their election, and no longer. The said Council of Censors shall also have power to call a Convention, to meet within two years after their sitting, if there appears to them an absolute necessity of amending any article of this Constitution which may be defective, explaining such as may be thought not clearly expressed, and of adding such as are necessary, for the preservation of the rights and happiness of the people. But the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of such Convention, for the previous consideration of the people, that they may have an opportunity of instructing their delegates on the subject.

**ARTICLE 4 (of amended Constitution.)**—The Senate shall be composed of thirty Senators, to be of the Freemen of the County for which they are elected, respectively, who are thirty years of age or upwards, and to be annually elected by the Freemen of each County respectively. Each County shall be entitled to one Senator, at least, and the remainder of the Senators shall be apportioned to the several Counties according to their population, as the same was ascertained by the last census, taken under

the authority of the United States—regard being always had, in such apportionment, to the Counties having the greatest fraction. But the several Counties shall, until after the next census of the United States, be entitled to elect, and have their Senators, in the following proportion, to wit:—

Bennington County, two; Windham County, three; Rutland County, three; Windsor County, four; Addison County, three; Orange County, three; Washington County, two; Chittenden County, two; Caledonia County, two; Franklin County, three; Orleans County, one; Essex County, one; Grand Isle County, one.

The Legislature shall make a new apportionment of the Senators to the several Counties, after the taking of each census of the United States, or census taken for the purpose of such apportionment, by order of the government of this State, always regarding the above provisions in this article.

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## Ordinance of the Council.

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STATE OF VERMONT,  
IN COUNCIL OF CENSORS, Feb. 1849. }

The Council having agreed to propose certain amendments to the Constitution of this State, and having determined to call a Convention to consider such amendments,—

Therefore, It is ordered by said Council, that a Convention of the people of the State of Vermont shall meet at the State House in Montpelier, on the first Wednesday in January A. D. 1850, to consider of the amendments to the Constitution proposed by this Council, and to adopt the same, or such parts thereof as the said Convention shall judge will be most conducive to the good government, peace and happiness of the people of this State. And for the purpose of electing Delegates to attend such Convention, the first Constable, or in his absence, the town Clerk, or in his absence, one of the Selectmen of each town in this State, entitled to send a representative to the General Assembly, without further order, shall set up a notification, at such place or places as shall have been appointed for notifying town meetings in such town, at least ten days before the third Tuesday in November, A. D. 1849, warning the Freeman of their respective towns to meet on the said third Tuesday in November, 1849, at one o'clock in the afternoon, at the place where the last Freeman's meeting was held in such town, for the purpose of electing Delegates to rep-

resent the Freemen of said town in said Convention, at the opening of which meeting this order shall be publicly read.

And the first Constable, or, in his absence or disability, the town Clerk, or some one of the Selectmen of each town, or a Justice of the Peace, shall preside at such meeting, whose duty it shall be to call on the Freemen of such town, from time to time, for the space of four hours, to give in their votes for such delegate, which votes shall be given and received in the same manner and under the same regulations as is, by law, provided in the case of electing Representatives to the General Assembly; and at the expiration of which time, the votes so taken, shall, by said Presiding officer, with the assistance of the Selectmen and Justices of the Peace in such town, be sorted and counted, and if no person shall have a majority of all the votes, the said presiding officer shall notify the same, and again call upon the Freemen as aforesaid, giving a reasonable time for receiving such votes, until an election shall have been made. And after an election shall have been made, as aforesaid, the Presiding officer of said meeting shall deliver to the person elected, a certificate of the following tenor, to wit:—

STATE OF VERMONT, } At a Freemen's meeting warned and  
                        } helden at ——— in pursuance of an order  
of the Council of Censors, on the ——— ——— was elected a delegate,  
by a majority of the Freemen present, to represent the citizens of ———  
in Convention to be held on the ——— for the purpose of taking into consideration certain amendments to the Constitution of this State, proposed by said Council of Censors, in February last.

Given under my hand at ——— this ——— day of ——— A. D. 18—

C. D. ———, first Constable or Presiding officer.

CHARLES K. WILLIAMS, *President.*

JOHN N. POMEROY, *Secretary.*

## Address of the Council.

### TO THE PEOPLE OF THE STATE OF VERMONT:

The Council of Censors, elected on the last Wednesday of March, A. D. 1848, being about to close their labors, deem it their duty, in conformity to former precedents, to submit this address to you, stating briefly the result of their deliberations, and referring to their journals for a further and more full account of their proceedings.

The duties entrusted to this Council are enumerated in the 43d Section of the Constitution, and are so well-defined and accurately pointed out, that we could not well mistake our powers or the requirements of the Constitution..

On the inquiry "whether the Legislative and Executive branches of Government have performed their duty, as guardians of the people, "or assumed to themselves, or exercised, other or greater powers than "they are entitled to by the Constitution," the Council are happy to express their opinion, that both appear to have been actuated by an earnest desire to keep within the bounds assigned to them by that instrument, which they were sworn to support, and have manifested no disposition to adopt any unconstitutional or arbitrary measures, inconsistent with the obligation imposed on them by our republican institutions and organic laws. In the single instance in which we were induced to recommend to the Legislature the repeal of a law repugnant to the Constitution, it appeared manifest that it was passed from inadvertence, and the Legislature had themselves discovered the error into which they had inadvertently fallen, and had anticipated our views by commencing a proceeding for the repeal, before they received a communication from us.

Our attention has been particularly called to an act of the Legislature laying a tax on lands in Bradleyvale, and the similar acts which have been, from time to time enacted, laying taxes on lands for making and repairing roads and building bridges; also to an act to annex Mansfield to Stowe, passed Nov. 11, 1848, and also to an act relating to licensing Innkeepers and Retailers, passed Nov. 3, 1846. The Council were not insensible that the constitutionality of these acts had been questioned, yet they considered they were rather proper subjects for judicial investigation than the animadversion of the Council.

It is true that one of the duties of this Council is "to recommend to the Legislature the repeal of such laws as shall appear to have been passed "contrary to the principles of the Constitution," but it also appertains to the Judiciary to construe all statutes and laws, and this necessarily requires of them to determine whether any act of the Legislature claimed to be a law, contravenes the Constitution, and is for that reason invalid, and in violation of the rights of individuals. Whenever the question is doubtful and of difficult solution, whether a private or public act of the Legislature, affecting individual rights, is contrary to the Constitution, the Council think it is better for the individual to seek redress from the judicial tribunals, whose decision on the Constitutionality of such act is final, and can afford an adequate relief, than for this Council to express an opinion which may or may not procure its repeal. A memorial was presented to us on the subject of the laws legalizing the traffic in intoxicating liquors, but it came in at so late a period of our sitting that the Council

could take no further order than to adopt the report of the Committee to whom it was referred, asking to be discharged from the further consideration of the subject, which report will appear in our journals.

In performing this part of our duty in relation to the duties of the Legislature, the Council cannot refrain from noticing the great increase of the expenses of this State, altogether beyond our increase in population, particularly in the judiciary department, and in the contingent expenses of the other branches of the government. We deem it worthy of a strict and searching inquiry, why these expenses have increased to so great an amount, and what measures can be adopted to remedy the evil. The Council would refer the Legislature and the people to the 25th Section of the Constitution, which, while it assumes that any man called into public service to the prejudice of his private affairs, is entitled to a reasonable compensation, yet requires that "whenever an office, through increase of fees, or otherwise, becomes so profitable as to occasion *many* to apply for it, the profits ought to be lessened by the Legislature." Whether by some action of the Legislature in conformity to the spirit and in pursuance of the direction of this article, some measures may not be adopted to diminish these expenses and prevent the further increase of what appears to be an increasing and alarming evil, is respectfully submitted to the Legislature and the people.

The Council have had their attention called to a practice which has prevailed in the Legislature, for some years past, in the repeal, alteration or modification of acts, or parts of acts, by a mere reference to the number of the Chapter and Section, without any mention of the subject or nature of the provision repealed, altered or modified. The Council deem it of the highest importance that our statute laws should be plain and easily understood, that the subject matter of the acts should be indicated in their title, and especially that in the body of acts should be clearly expressed the subject or nature of the provision to which they relate; that the practice referred to above has already introduced confusion into our laws, and, if continued in future legislation, will not only embarrass our judges and professional men in understanding and expounding the laws, but will bar the mass of the community from gaining a knowledge of laws in which they have a deep interest, and will speedily compel the legislature to resort to an expensive revision and re-publication of our system of statute laws.

Another subject of inquiry, submitted by the Constitution to the Council is "whether the public taxes have been justly laid and collected in all parts of this commonwealth." The Council find no cause of complaint on this subject except in the following instances:—

1st. On learning the diversity of practice which has prevailed under

the laws relative to the grand list, and the different opinions of professional men on the subject, the Council were of opinion "that there is an uncertainty as to the basis upon which the several town, County and State taxes are to be laid, and also an uncertainty as to the time of the meeting of the County Convention of lists." They did not think it advisable to communicate this to the Legislature, as the Council were not agreed whether the remedy, if any was wanted, should be had by judicial construction or further legislative action.

2d. The taxing of wild and unproductive land, as now provided for by the laws on this subject, the Council considered as imposing an unequal and unjust burden on the owners, particularly non-residents. The inequality and injustice of these taxes on wild and unproductive lands, has been clearly pointed out and condemned by one of the most eminent jurists of the present age, (Chancellor Kent.) With respect to those taxes which may be voted by towns, school districts, &c., the non-resident is taxed not only without his consent, but when he cannot by his voice or vote, or by his representative, be heard, either as to the propriety of laying the tax, the amount of the same, or as to the manner of the expenditure, the objects of which are almost exclusively for the benefit and purposes of the inhabitants and residents of the towns or districts. It has been considered as a fundamental principle of republican governments, that no one should be taxed without his own consent, i. e. the consent of a majority, given either by themselves or their representatives chosen by them. How far this principle is violated, by subjecting the non-resident owners of lands to taxes for town or district purposes, where they can have no vote, is certainly worthy of great and impartial consideration. But if it should be conceded that no principle of fundamental law is violated by taxing wild and unproductive lands, the Council are satisfied that, in practice, it has operated unequally, and produced great injustice, and cannot but hope the Legislature will provide some remedy for existing evils, some appeal from unjust appraisal, to a disinterested board of revision, some limit to the amount of taxes which towns may levy on a non-resident proprietor, or some provision by which the taxes he may have to pay may be expended more equally for the use of the town or district of which he is an inhabitant, as well as of the town where the land is situated.

The Council have had deliberately under their consideration that part of the article of the Constitution under which they were appointed, which requires them to examine whether there is "an absolute necessity of amending any article of the Constitution which may be defective, explaining such as may be thought not clearly expressed, and of adding such as are necessary for the preservation of the rights and happiness of the people." We believe there should be a very urgent and mani-

fest necessity requiring it, before any alteration of the fundamental and organic laws should be made. Both in the Constitution of this State and of the United States, it is apparent that it was not intended they should be subject to the fluctuations of ordinary legislation. The manner of making amendments has been guarded by so many provisions, and made subject to so many conditions and forms, that they cannot frequently be made or hastily and inconsiderately adopted. There should at least be an urgent necessity, and a manifest and general expression of the wishes of the people for amendments, before they should be either proposed or adopted.

On this subject the Council have been by no means unanimous, either as to the propriety or necessity of proposing any alterations whatever, or if any, what amendments should be offered for the consideration of the people.

It appears to us expedient to explain some articles which are not clearly expressed or understood, and that they should not be liable to the evils or inconvenience arising from different expositions of either the legislative or judicial tribunals. This alone would not have required of us to subject the State to the expense of calling a Convention. There were other propositions, evidently of more importance, which were considered by a majority of the Council as "necessary for the preservation of the rights and happiness of the people."

The mode of representation in the General Assembly, and propositions for rendering it more equal have occupied the attention of former Councils. Articles of amendment to effect this purpose, were proposed by the first two Councils, which were chosen in 1785 and 1792, and also by the Council chosen in 1821, but were not adopted in Convention. It was strenuously urged before us, that our present system of representation is unjust, unequal, and not founded on a popular basis, and that towns having a large population were not equally represented. Several projects were discussed before us, and a majority of the Council at last agreed to submit to the consideration of a Convention, an amendment of the Constitution, giving to towns having a large population, an addition of one or more representatives, according to their population, and preserving to the inhabitants of each town a representative as by the present Constitution. An amendment to effect this object is the first now proposed, and is Article 1st.

Connected with this, is a proposition to limit the time for balloting for Representative to the General Assembly, to 12 o'clock on the night of the first Tuesday of September, the object of which is to define more accurately the time within which representatives shall be elected, to prevent the inconvenience of a protracted election extending to a late hour in the night, and sometimes even to a subsequent day, and to put an end to the

questions which have arisen on this subject, and have led to decisions at variance with each other. This amendment is the second now proposed.

The Council have thought proper to submit an alteration of the Constitution in relation to the appointment of County and Probate officers, as one of the most important of the amendments which they have had under their consideration, and they think no apology is necessary for again presenting this subject to the consideration of the people, notwithstanding a similar proposition was offered by the last Council of Censors and rejected by the Convention. Both branches of the Legislature, at their session in 1847, passed a resolution with great unanimity, expressing their opinion that an alteration should be made in the manner of appointing County officers, and that the power which had been exercised by them, could be better exercised by the Freemen. This affords very strong evidence that the subject has been considered by the people, that there has been a change in the public sentiment since the last Convention, and that another opportunity should be afforded, of having it again considered by them. In offering this amendment, we accede to the request of the Legislature, with a full belief that the Freemen are safe depositaries of this power of election, and will be likely to know and select suitable men for these offices. By one of the amendments, it is proposed to give the election of Registers of Probate to the people. This office is one of considerable importance; the Register often acts as Judge, may be called on to adjudicate the claims of the Judge who gives him the appointment, and, under certain circumstances, may be the Judge for a considerable part of the year. We also propose an amendment giving the appointment of Justices of the Peace to the Freemen of their respective towns, and limiting their number, and, although they are officers of the County, yet the services of most Justices are confined to their several towns, and may well be selected by the Freemen of the town where they reside. The Constitution now requires that they shall be elected by the Legislature, yet by courtesy and usage the appointment and selection has usually been accorded to the representative of the town in which they reside. We have also proposed in a separate article, to limit the number according to the population of the town, so that if the Convention should not think proper to alter the mode in which they have heretofore been appointed, they may have under their consideration the propriety of limiting the number. The office of Justice of the Peace, in our State, from their extensive jurisdiction in civil matters, as well as criminal, and in regulating the police of their respective towns, is a highly responsible and important one, but by their great multiplication in some towns, the responsibility of their office is greatly diminished, the difficulty of obtaining a legal board of the Civil Authority is increased, and in some instances it cannot be as-

certained whether a competent board to act upon matters submitted to their decision is convened. From the great division of responsibility by the increase of numbers, the duties of these officers are neglected, or negligently discharged. In many cases, no record of their proceedings is kept, whereby the rights of the citizens are put in jeopardy, and the business of these officers is so divided as not to afford a reasonable compensation for the prompt and faithful discharge of their duties. The Council believe that, by limiting the number of Justices in the towns, as proposed, with reference to their population, their responsibility will be increased, and a better performance of their duties secured.— Amendments to secure the foregoing objects constitute the 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th and 15th Articles of amendment proposed by the Council.

Another amendment is proposed in relation to the time when the offices of Governor, Lieutenant Governor and Treasurer, shall expire. A difference of opinion has prevailed as to what time the persons holding these offices shall continue to exercise them. While it has been generally considered that the Governor and Lieutenant Governor cease to hold their offices on the day when the Legislature meet, who are to canvass the votes given for their successors, the Treasurer has been considered as holding his office until a successor is appointed, although the same expression is used in the Constitution as to each of them. The difficulties which have and may arise from an uncertainty in this particular, and the very obvious danger of considering either of these offices vacant, and especially the office of Treasurer, with no one responsible for the safe-keeping of the public funds, induced the Council to propose an amendment providing for such a contingency, and that the Legislature should declare by a general law, what officers should perform the duties of the Executive department, if both the office of Governor and of Lieutenant Governor should be vacant. This is the subject of the 11th proposed article of amendment.

The Council thought it expedient to propose a substitute for the article in the present Constitution, declaring before whom the Treasurer and the Sheriff shall give the required security. By the 27th article of the existing Constitution, the security from the Sheriff is to be given before the first judge of the County Court; and although there was no doubt or uncertainty on this subject when the Constitution was adopted, yet as one of the Judges of the Supreme Court is now by law made Chief Judge of the County Court, a diversity of practice has prevailed in different Counties, in taking the security from the Sheriff. In some Counties the Chief Judge, and in others the first Assistant, has been considered as the Judge before whom the security of the Sheriff is, by the Constitution, required to be taken. To prevent any further doubt or uncertainty on this sub-

ject an amendment is proposed which is the 12th article of the proposed amendments.

The Council have also offered as an amendment, that all alterations or amendments proposed by any future Council shall be submitted directly to the Freemen and not to a Convention. Although an obvious feature in our system of government is that the people, in governing and regulating the police, are to act by their legal representatives, yet it was thought by the Council that amendments and alterations in the fundamental and organic laws should be submitted to, and decided directly by, the people, when they have been matured and proposed by a Council as their agents. This is the subject of the 13th article of the proposed amendments.

It appeared to the Council that there was an ambiguity in the 4th article of the amendments of the Constitution heretofore adopted, in relation to the apportionment of Senators to the several Counties, which we believe should be removed, and its true meaning made certain. The literal construction of this article contemplates the assignment of one Senator to each County, and the remainder of the Senators to the several Counties, according to population, regarding always the largest fraction; while the construction placed upon it by the Council of Censors who proposed the article, and by the Legislature in the year 1841, is to apportion the thirty Senators to the several Counties, according to population, giving to each County one Senator at least. The latter construction is believed to have been the one intended by the Council who formed, and the Convention who adopted, the article, a literal construction of which would have changed the number of Senators in four Counties in the State, from the present apportionment made by the Legislature in 1841. The Council believe the meaning of the Constitution should be plain and certain; the difference of opinion upon this article, in the Legislature of 1841, shows that it is not so. To remove this uncertainty, we have proposed an amendment, which is the 14th article of the amendments herewith submitted.

In presenting these several articles of amendment, it is proper for us to say, what the journals of our proceedings will clearly show, that we have been by no means unanimous in our action upon any of the important amendments proposed. Several of the Council have consented to offer to the consideration of a Convention, propositions to which they are individually opposed, believing that the freemen have a right to be heard thereon. The final action of the Council, which proposes these articles of amendment for examination, and for the consideration of a Convention, has probably been much influenced by a belief, that many have anxiously desired to have these matters laid before the freemen for discussion, in

their primary assemblies. With this wish we have complied, willing to leave these important questions for their decision, to be by them disposed of as they may think most conducive to the welfare of the whole.

By order of the Council of Censors.

CHAS. K. WILLIAMS, *President.*

J. N. POMEROY, *Secretary.*

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I hereby certify that the foregoing pages, from 1 to 88 inclusive, exhibit a true Journal and Record of the proceedings and doings of the Council of Censors, elected by the Freemen of this State, on the last Wednesday in March, one thousand eight hundred and forty-eight, at their three several Sessions, at Montpelier and Burlington.

JOHN N. POMEROY, *Secretary.*